

A
T A B L E
O F T H E
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno vicefimo*

G E O R G I I I I I . *Regis.*

Being the Sixth Session of the Fourteenth Parliament of
Great Britain.

P U B L I C K A C T S .

Cap. 1. **F**OR holding the ensuing election of a knight of the shire for the county of *Southampton*, at the town of *New Alresford*, in the said county.

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and eighty.

Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty.

Cap. 4. For continuing an act, made in the last session of parliament, for allowing the importation of fine organzined Italian sbrown silk in any ships or vessels, for a limited time.

Cap. 5. For further continuing an act, made in the seventeenth year of the reign of his present Majesty, intituled, *An act to empower his Majesty to secure and detain persons charged with, or suspected of, the crime of high treason, committed in any of his Majesty's colonies or plantations in America, or on the high seas, or the crime of piracy.*

Cap. 6. To repeal certain acts made in *Great Britain*, which restrain the trade and commerce of *Ireland* with foreign parts.

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Cap. 7.

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Cap. 7. To amend an act, made in the eighteenth year of the reign of his present Majesty, intituled, *An act to explain and amend so much of an act, made in the fourth year of the reign of his present Majesty, as relates to the preventing the clandestine conveyance of sugar and panies from the British colonies and plantations in America into Great Britain.*

Cap. 8. To indemnify such officers of the militia as have not transmitted to the clerks of the peace descriptions of their qualifications, and certificates of their having taken the oaths as required; and for allowing further time for the delivery of descriptions of qualifications by such officers of the militia; and for obliging the captain lieutenant to deliver in a description of his qualification.

Cap. 9. For extending the provisions of two acts, made in the eighteenth year of his present Majesty's reign, and in the last session of parliament, with respect to bringing prize goods into this kingdom, to *Spanish* prize goods; and for repealing so much of the said last-mentioned act as relates to the certificates for prize tea and *East India* goods exported from this kingdom to *Ireland*; for the removal of *East India* goods condemned as prize at any out-port to *London* for sale, and of prize goods for exportation; and for reducing the duty on foreign prize tobacco.

Cap. 10. To allow the trade between *Ireland* and the *British* colonies and plantations in *America* and the *West Indies*, and the *British* settlements on the coast of *Africa*, to be carried on in like manner as it is now carried on between *Great Britain* and the said colonies and settlements.

Cap. 11. For continuing the term and powers of an act, made in the thirty-second year of the reign of his late majesty King *George the Second*, intituled, *An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale, porter, and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kelso, in the shire of Roxburgh, for finishing a bridge cross the river Tweed, and for other purposes therein mentioned.*

Cap. 12. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 13. For the regulation of his Majesty's marine forces while on shore.

Cap. 14. For defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and eighty.

Cap. 15. For repealing so much of an act, made in the twelfth year of his present Majesty, intituled, *An act for amending and rendering more effectual an act, made in the tenth year of his Majesty's reign, intituled, "An act for building a new parish church, and declaring the present a parish church or chapel; for making a cemetery, or churchyard; and for building an house for the use of the minister of the parish of Saint Mary-le-bone, in the county of Middlesex;"* as impowers the vestrymen of the said parish to build

THE
Statutes at Large,

FROM
MAGNA CHARTA

To the END of the
Eleventh Parliament of GREAT BRITAIN,
Anno 1761.

CONTINUED.

By **DANBY PICKERING**, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.

A
T A B L E
O F T H E
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno vicefimo quinto*

GEORGII III. *Regis.*

Being the Second Session of the Sixteenth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **F**OR confining, for a limited time, the trade between the ports of the United States of *America*, and his Majesty's subjects in the island of *Newfoundland*, to bread, flour, and live stock, to be imported in none but *British*-built ships, actually belonging to *British* subjects, and navigated according to law, clearing out from the ports of his Majesty's *European* dominions, and furnished with a licence according to the form hereunto annexed.

Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-five.

Cap. 3. For the regulation of his Majesty's marine forces while on shore.

Cap. 4. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and eighty-five.

Cap. 5. For further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for preventing certain instruments from*
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being required from ships, belonging to the United States of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the said United States; and for continuing for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intitled, An act to extend the powers of an act, made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned.

Cap. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 7. For the more easy and speedy recovery of small debts, within the town and port of *Faversham*, the hundreds of *Faversham* and *Baileston*, and the several parishes of *Ospringe*, *Stasulter*, and *Hithelm*, in the county of *Kent*.

Cap. 8. For denaying the charge of the militia in that part of *Great Britain* called *England* for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and eighty-five.

Cap. 9. For paving, cleansing, and lighting *The High Street*, and other places within the town of *Huntingdon*, and for removing and preventing nuisances and annoyances therein.

Cap. 10. For building a new gaol, a penitentiary house, and certain new houses of correction, for the county of *Gloucester*, and for regulating the same.

Cap. 11. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 12. For raising a further sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 13. For repairing the highways, bridges, and ferries, in the county of *Perth*.

Cap. 14. For draining and preserving certain low lands, within the parish of *Tunbridge*, in the county of *Lincoln*.

Cap. 15. To enlarge the term and powers of several acts relating to the harbour of *Liverpool*; and for making two additional docks and piers in or near the port of *Liverpool*.

Cap. 16. For taking down the present market house, and certain other buildings, in the town of *Uxbridge*, for the purpose of widening *The High Street*; and for paving the footways, and lighting and cleansing the streets and other places within the said town, and removing and preventing nuisances and annoyances therein; and for changing the course of the road between *Alton's Bridge* and *High Bridge*; and for rebuilding the said market house.

Cap. 17. To enable the house of commons to authorize the select

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select committee, appointed to try the merits of the petition of the honourable *Saint Andrew Saint John*, complaining of an undue election for the county of *Braford*, to proceed in case the said select committee shall be reduced to a less number than is prescribed by an act, made in the tenth year of the reign of his present Majesty, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament.*

Cap. 24. To empower the justices of oyer and terminer and gaol delivery of *Newgate*, for the county of *Middlesex*, to continue to hold a session of gaol delivery of *Newgate*, begun to be holden before the effoign day of term, and sitting of the king's bench at *Westminster*, notwithstanding the happening of such effoign day, or the sitting of the said court or king's bench at *Westminster*, or elsewhere, in the said county of *Middlesex*.

Cap. 19. For appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.

Cap. 20. For appointing commissioners to put in execution an act of this session of parliament, intituled *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eight-five*; together with those named in three former acts for appointing commissioners of the land tax, and with those named in the land tax act of the twenty-third year of his Majesty's reign, and in the land tax act of this session of parliament.

Cap. 21. To render more effectual several acts of parliament, for erecting hospitals and workhouses, within the city and county of the city of *Exon*, for the better employing and maintaining the poor there; and to raise further sums of money for the better carrying the purposes of the said acts into execution.

Cap. 22. For repealing so much of an act made in the last session of parliament as relates to the distillation of corn spirits in small hells, in certain counties or districts of the highlands in that part of *Great Britain* called *Scotland*; and for authorising the commissioners of excise in *Scotland* to grant licences, to persons living in the said counties or districts, to distil spirits from barley, beer, or big, the growth of the said counties; and for imposing a duty on such licences.

Cap. 23. For better paving, cleansing, lighting, and watching the streets, lanes, yards, courts, alleys, and passages, within that part of the parish of *Saint Mary Magdalen, Bermondsey*, in the county of *Surrey*, called *The Water-side Division*, and for removing and preventing nuisances and annoyances therein; and for lighting and watching certain parts of and belonging to the turnpike road leading from the east end of *New Street*, in *Southwark* to *Deptford*, in the county of *Kent*, within the said *Water-side Division* of the said parish, therein mentioned.

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Cap. 24. To repeal so much of an act made in the last session of parliament, as imposes duties on all stuffs made of cotton and linen taxed, and stuffs wholly made of cotton wool, wove in *Great Britain*, not being printed, painted, or stained; and on licences for bleaching or dyeing the same.

Cap. 25. For allowing further time for the importation of goods, the produce or manufacture of the island of *Tobago*, upon payment of the *British* plantation duties.

Cap. 26. For the better preservation and improvement of the river *Ure*, and port and haven of *Sunderland*, in the county palatine of *Durham*.

Cap. 27. For the better relief and employment of the poor within the hundreds of *Tunstead* and *Happing*, in the county of *Norfolk*.

Cap. 28. For opening an easy and commodious communication from the *High Street* of *Edinburgh*, to the country southward; and also from the *Lawn Market* to the new-extended royalty on the north, and for enabling trustees to purchase lands, houses, and areas, for that purpose; for widening and enlarging the streets of the said city, and certain avenues leading to the same; for rebuilding or improving the university; for enlarging the publick markets, and communications thereto; for regulating certain taxes; for lighting the said city; for providing an additional supply of water; for extending the royalty of the said city; and for levying an additional sum of money for statute labour in the middle district of the county of *Edinburgh*.

Cap. 29. To explain, amend, and render more effectual, an act passed in the twenty-third year of his present Majesty's reign, intituled, *An act for authorising the treasurer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy.*

Cap. 30. For granting to his Majesty certain duties on shops within *Great Britain*.

Cap. 31. For better regulating the office of the treasurer of his Majesty's navy.

Cap. 32. For granting annuities to satisfy certain navy, victualling, and transport bills; and ordnance debentures.

Cap. 33. For raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 34. For better paving, cleansing, repairing, lighting, and watching the highways, streets, and lanes, of and in the vill of *Ramsgate*, in the county of *Kent*; and for removing and preventing annoyances therein; and for erecting a market-house, and holding a publick market in the said vill.

Cap. 35. For the more easy and effectual sale of lands, tenements, and hereditaments of crown debtors, or of their sureties.

Cap. 36. For building a new bridge over the haven of *Great Yarmouth*;

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Yarmouth; and for enlarging the term, and altering some of the powers, of an act of the twelfth year of his present Majesty, for clearing, deepening, repairing, maintaining, and improving, the haven and piers of Great Yarmouth; and for deepening and making more navigable the several rivers emptying themselves into the said haven, and for preserving ships wintering therein from accidents by fire.

Cap. 37. For rebuilding the bridge across the river of *Ayr*, at the town of *Ayr*.

Cap. 38. For vesting in *Edward Bancroft*, doctor in physick, his executors, administrators, and assigns, the sole property of his invention or discovery of the use and application of certain vegetables for dying, staining, printing and painting certain valuable colours, throughout that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, for a limited time.

Cap. 39. For the better preserving and maintaining the piers and harbours in *Cromarty* in *North Britain*.

Cap. 40. For more effectually preventing frauds and abuses committed by persons employed in the manufactures of combing wool, worsted yarn, and goods made from worsted, in the counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicester*, *Rutland*, and *Lincoln*, and the *Isle of Ely*.

Cap. 41. To repeal part of an act, passed in the sixth year of his present Majesty, for the relief and employment of the poor of the parish of *Richmond*, in the county of *Surrey*, and other purposes in the said act mentioned; and for making new provisions for the relief and employment of the poor, for the repairs of the highways, the paving, cleansing, lighting, and watching the streets, and other places, in the town and parish of *Richmond* aforesaid; for the removal and prevention of annoyances, obstructions, and encroachments therein; for inclosing certain commons or waste lands within the said parish, for the use of the poor; and to enable the vestrymen of the said parish to erect a workhouse thereon; and to purchase land for a burial ground; and also to enable his Majesty to shut up a lane within the said parish, called *Loze Lane*.

Cap. 42. For vesting in *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, throughout his Majesty's dominions, for a limited time.

Cap. 43. To repeal the duties on male servants; and for granting new duties on male and female servants.

Cap. 44. For regulating insurances on ships, and on goods, merchandizes, or effects.

Cap. 45. For reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in *London*, *Middlesex*, and the borough of *Southwark*, to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment.

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Cap. 46. For the more effectual transportation of felons, and other offenders, in that part of *Great Britain* called *Scotland*, and to authorise the removal of prisoners in certain cases.

Cap. 47. For transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred.

Cap. 48. For granting to his Majesty certain stamp duties on licences to be taken out by persons using or exercising the trade or business of a pawnbroker.

Cap. 49. For granting to his Majesty certain duties upon licences to be taken out by coachmakers; and also certain duties upon carriages to be built for sale.

Cap. 50. For repealing an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on certificates issued with respect to the hiring of grooms*; and for granting other duties in lieu thereof.

Cap. 51. For repealing the duties on licences taken out by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post, and by time, and on stage coaches; and for granting other duties in lieu thereof; and also additional duties on horses let to hire for travelling post, and by time.

Cap. 52. For better examining and auditing the publick accounts of this kingdom.

Cap. 53. For settling an annuity of nine thousand pounds on his royal highness the duke of *Gloucester*, in lieu of the like annuity payable out of the duties of four and one half *per centum* in *Barbadoes* and the *Leeward Islands*.

Cap. 54. For better securing the duties upon coals, cuim, and cinders.

Cap. 55. For granting to his Majesty certain duties on licences to be taken out by persons vending gloves or mittens; and also certain duties on gloves and mittens sold by retail.

Cap. 56. For more effectually preventing deceits and frauds in the manufacturing of cordage for shipping, and to prevent the illicit importation of foreign-made cordage.

Cap. 57. To exempt carriages, carrying the mail, from paying tolls at any turnpike gate in *Great Britain*.

Cap. 58. For the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Cap. 59. For granting to his Majesty a certain sum of money, to be raised by a lottery.

Cap. 60. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-five, and for further appropriating the supplies granted in this session of parliament; and for providing

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viding a compensation to the clerks in the offices of the principal secretaries of state, for the advantages such clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his present Majesty, *for establishing certain regulations concerning the portage and conveyance of letters and packets by the post, between Great Britain and Ireland.*

Cap. 61. To authorise the lord steward of the household, the lord chamberlain, the master of the horse, the master of the robes, and the lords of the treasury, respectively, to pay bounties granted by his Majesty, to persons in low and indigent circumstances.

Cap. 62. To prohibit, for a limited time, the exportation of hay.

Cap. 63. For reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to *Jersey, Guernsey, Alderney, and Sark*; for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of *Glauber or Epsom salts*; for restraining fish curers from being dealers in salt; for regulating the exportation of herrings from the *Isle of Man*; for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt.

Cap. 64. For altering and amending an act made in the last session of parliament, intituled, *An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain.*

Cap. 65. For the further encouragement of the *British* fisheries.

Cap. 66. To explain and amend an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain rates and duties upon bricks and tiles made in Great Britain; and for laying additional duties on bricks and tiles imported into the same.*

Cap. 67. To prohibit the exportation to foreign parts, of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.

Cap. 68. For appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

Cap. 69. To repeal the duties upon flasks in which *Florence* wine and oil is imported; to permit the importation of wines in small casks for private use; to revive, continue, and amend so much of an act made in the sixteenth year of his present Majesty, as allows the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in *America*; for disallowing the drawback on the exportation of maff; for continuing the permission to land rum or spirits of the *British* sugar plantations, before payment of the duties of excise; for

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reviving and continuing the premiums upon the importation of pitch, tar, and turpentine, from *East Florida*, into *Great Britain*; for allowing a bounty upon the exportation of silk gauzes, and a drawback upon the exportation of raw silk. . .

Cap. 70. To rectify a mistake in an act, passed in this present session of parliament, intituled, *An act to repeal the duties on male servants; and for granting new duties on male and female servants.*

Cap. 71. For extending the time limited, by an act of this session, for delivering in navy, victualling, and transport bills.

Cap. 72. For repealing the duties on linens to be printed, painted, stained, or dyed in *Great Britain*, imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, wove in *Great Britain*, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts.

Cap. 73. To declare, that brewers selling beer or ale in less quantities than a cask, containing four gallons and a half, shall not be intitled to any allowance out of the duties of excise for waste or leakage; and for making allowances to distillers of low wines and spirits from malt, corn, or grain, in respect to the duties imposed by an act of the last session of parliament.

Cap. 74. For repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of excisable commodities; and for better securing the duties on candles.

Cap. 75. To extend the provisions of an act, made in the twenty-third year of his present Majesty's reign, for granting to his Majesty a stamp duty on the registry of *births, marriages, births, and christenings*, to the registry of *burials, births, and christenings* of protestant dissenters from the church of England.

Cap. 76. For appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government.

Cap. 77. To amend so much of an act, passed in the fourteenth year of the reign of his present Majesty, for the further and better regulation of buildings and party walls; and for the more effectually preventing mischief by fire within the cities of London and Westminster, and the liberties thereof, and other the places therein mentioned, as relates to manufactories of turpentine; for extending the provisions of the said act, so amended, to manufactories of pitch, tar, and turpentine, throughout that part of *Great Britain* called *England*; and for indemnifying the proprietor of a turpentine manufactory in *Potter's Fields*, in the borough

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rough of *Southwark*, against the penalties he may be liable to under the said act; and for excepting, for a limited time, his said manufactory from the provisions herein contained.

Cap. 78. For granting to his Majesty additional duties on lawkers, pedlars, and petty chapmen; and for regulating their trade.

Cap. 79. For repealing an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent*; and for granting other duties in lieu thereof.

Cap. 80. For granting to his Majesty certain duties on certificates to be taken out by solicitors, attornies, and others, practising in certain courts of justice in *Great Britain*; and certain other duties with respect to warrants, mandates, and authorities, to be entered or filed of record, as herein mentioned.

Cap. 81. For the better securing the duties payable on tobacco.

Cap. 82. To indemnify such persons as have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors; and for indemnifying persons who have acted as trustees of turnpike roads in certain cases, and declaring their proceedings valid.

Cap. 83. For further postponing the payment of the sum of two millions, advanced by the governor and company of the bank of *England*, towards the supply for the service of the year one thousand seven hundred and eighty-one.

Cap. 84. To limit the duration of polls and scrutines, and for making other regulations touching the election of members to serve in parliament for places within *England* and *Wales*, and for *Berwick upon Tweed*; and also for removing difficulties which may arise for want of returns being made of members to serve in parliament.

Cap. 85. For paving the footways in the borough of *Reading*, in the county of *Berks*; for better repairing, cleaning, lighting, and watching the streets, lanes, passages, and places, in the said borough; and for removing incroachments, obstructions, and annoyances therefrom, and preventing the like for the future.

Cap. 86. For better watching, lighting, and cleansing such parts of the precinct of *Saint Catharine* near the tower of *London*,

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in the county of *Middlesex*, as are not included in the provisions of certain acts passed in the seventh and ninth years of his present Majesty's reign; and for preventing nuisances and annoyances therein.

Cap. 87. For extending the *Dudley* canal to the *Birmingham* canal, at or near *Tipton Green*, in the county of *Stafford*.

Cap. 88. For lighting and watching the village of *Clapham*, and certain roads leading thereto, in the county of *Surrey*.

Cap. 89. For supplying the inhabitants of the parish of *Lambeth*, and parts adjacent, in the county of *Surrey* with water.

Cap. 90. For the better paving, cleansing, and lighting, the streets, lanes, ways, and passages, within the borough of *Arun- del*, in the county of *Sussex*; and for removing and preventing incroachments, obstructions, and annoyances therein.

Cap. 91. For taking down the market house in the borough of *Eridport*, in the county of *Dorset*, and rebuilding the same, together with a session or court house, in a more convenient situation; for removing the shambles, or butcher row; for better paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the said borough with thatch.

Cap. 92. For draining, preserving, and improving certain low grounds and carrs in the several parishes of *Saint John* in *Beverly*, and of *Slisbury*, in the east riding of the county of *York*.

Cap. 93. For the removal and rebuilding of the council chamber, guildhall, and gaol, of the city of *New Sarum*; and for ascertaining the tolls of the market, and regulating the chairmen within the said city.

Cap. 94. For repairing, new pewing, seating, and erecting galleries, and making other alterations and additions in and to the parish church of *Kidderminster*, in the county of *Hereford*.

Cap. 95. For rebuilding the parish church of *Christ Church* otherwise *The Holy Trinity*, within the city of *Bristol*; and for widening the streets adjacent thereto.

Cap. 96. For amending two acts, of the eighth and sixteenth years of his present Majesty, for opening certain passages, and for paving the streets and other places, in the parish of *Saint Leonard* Shoreditch, and such part of *Hog Lane* as lies within the liberty of *Norton Falgate*, in the county of *Middlesex*, and for preventing annoyances therein.

Cap. 97. To enable the mayor and commonalty and citizens of the city of *London* to pull down the *Poultry* and *Wood-street Compters*, and to purchase certain ground and buildings within the said city for the purpose of rebuilding the same.

Cap. 98. To enable his Majesty to grant the inheritance of certain lands, tenements, and hereditaments, situate in or near *North Scotland Yard*, in the county of *Middlesex*, in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and also of certain ground contiguous to *Tinmouth*

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mouth Castle, in the county of Northumberland, belonging to the duke of Northumberland, or for such further or other compensation as shall be a full consideration for the same; and also to empower the said duke to make such exchange.

Cap. 93. To enable the company of proprietors of the navigation from the *Trent* to *The Mersey*, and the company of proprietors of the navigation from *Birmingham* to *Fuzeshy*, to make a navigable canal from the said *Trent* and *Mersey* navigation, on *Fradley Heath*, in the county of *Stafford*, to *Fuzeley*, in the said county; and for confirming certain articles of agreement entered into between the said *Trent* and *Mersey*, the *Oxford*, and the *C Coventry*, canal navigation companies.

Cap. 100. For amending and improving the navigation of the river *Arun*, from *Houghton Bridge*, in the parish of *Houghton*, in the county of *Sussex*, to *Pallenham Itzard*, in the parish of *Wibborough Green* in the said county; and for continuing and extending the navigation of the said river, from the said wharf called *Pallenham Itzard*, to a certain wharf called *New Bridge*, situate in the parishes of *Pallenham* and *Wibborough Green*, in the said county of *Sussex*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 101. For continuing the term and powers of an act, made in the fourth year of his present Majesty's reign, for repairing several roads leading from *The Buck's Head*, at *Watling Street*, to *Beckbury*, and *The New Inn*, and from the *Bitches Brook* to the *Hand Post* in the parish of *Kemberton*, in the county of *Salop*, and for making the same more effectual.

Cap. 102. To continue the term, and alter and enlarge the powers of an act made in the seventh year of his present Majesty's reign, to repair and widen the roads from *Whitchurch*, in the county of *Salop*, to the turnpike road between *Nantwich*, in the county of *Cheshire*, and *Newcastle-under-Lyne*; and from *Hinstock* to *Nantwich* aforesaid.

Cap. 103. For continuing an act of the sixth year of his present Majesty, for amending and widening the road from the town of *Biddenden*, in the *Wald* of *Kent*, through the towns of *Smarden* and *Charing*, to join the turnpike road which leads from *Althford* to *Faversham*, at a place called *Bound Gate*.

Cap. 104. For enlarging the term and powers of an act, made in the fourth year of the reign of King *George the Third*, intituled, *An act for amending and widening the road from Tintley, in the county of York, to the town of Doncaster, in the said county.*

Cap. 105. For enlarging the term and powers of an act made in the fourth year of the reign of King *George the Third*, intituled, *An act for amending and widening the road from the south end of the town of Rotherham, in the county of York, to the present turnpike road near Pleasley, in the county of Derby; and also the road from the north end of the said town of Rotherham into the present turnpike road on the east side of Tankersley Park, in the said county*

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county of York, so far as the same relates to the road leading from Rotherham aforesaid to the turnpike road near Pleasley aforesaid.

Cap. 106. For reviving, continuing, and enlarging the term and powers of an act, passed in the third year of the reign of his present Majesty, *for repairing and widening the road from a place called Nightingales, in the township of Heath Charnock, to the bridge at the west end of the town of Bolton in the Moors, in the county palatine of Lancaster.*

Cap. 107. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present Majesty King George the Third, intituled, *An act for repairing and widening the road from Derby to Mansfield, in the county of Nottingham, and several other roads therein mentioned.*

Cap. 108. For continuing the term of an act, passed in the fourth year of the reign of his present Majesty, (intituled, *An act for repairing and widening several roads leading from Callington, in the county of Cornwall;*) and for widening and repairing the road leading from *Wafford*, to *beals Hill*, in the parish of *Stoke Climsford*; and also the road from *Pentworth*, in the parish of *Pillaton*, to a place called *The Fighting Cocks*, in the parish of *Bates Flaming*, all in the said county.

Cap. 109. For enlarging the term and powers of an act of the fourth year of his present Majesty, *for repairing the roads from Hortham to the top of Beading Hill, and from Steyning to the top of Steyning Hill, in the county of Sussex.*

Cap. 110. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present Majesty, *for repairing and widening the road from Bevenley to Kexby bridge, in the county of York.*

Cap. 111. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present Majesty, *for repairing and widening the road from the west end of Baxter Gate, in the town of Whitby, to the south end of Lockton Lane, in the parish of Middleton, in the county of York.*

Cap. 112. For continuing the term, and altering and enlarging the powers of two acts of the second and ninth years of his present Majesty, *for repairing and widening the roads from the White Post on Haselden's Wood, in the parish of Cranbrook, to Appledore Heath; and from Milkhouse Street, in the same parish, to Cattledean's Oak, in the parish of Biddenden; and from the turnpike road in the parish of Tenterden, through Rolvenden, to the turnpike road in the parish of Newenden, in the county of Kent.*

Cap. 113. For enlarging the term and powers of an act passed in the fourth year of his present Majesty's reign, *for repairing and widening the road from Melton Mowbray, in the county of Leicester, to the guide post in Saint Margaret's Field, Leicester; and from the town of Leicester to the town of Lutterworth, in the said county; and other roads therein mentioned.*

Cap. 114. For enlarging the term and powers of an act, made in the third year of the reign of his present Majesty, *for amend-*
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ing and widening the roads leading from New Street and Pig Street, in Penryn, in the county of Cornwall, to Redruth, in the same county.

Cap. 115. For repairing and widening the roads leading from the gibbet or *Lutterwerth Hand*, on the *Watling Street Road*, through the parishes of *Churchover, Brownfaver, Newbold upon Avon, Rugby and Bilton*, in the county of *Warwick*, to the turnpike road between *Dunchurch and Hillmorton*, in the said county, at or near a publick house known by the sign of the *Cock*, in the said parish of *Bilton*.

Cap. 116. For amending and keeping in repair the road leading from *Ipswich to South Town*; and from the said road at *Beach Lane*, in the parish of *Darsham*, to *Bungay* in the county of *Suffolk*.

Cap. 117. For more effectually repairing the roads leading from *The Stones End* in *Blackman Street*, in the borough of *Southwark*, in the county of *Surrey*, to *Highgate*, in the county of *Suffex*, and to *Sutton and Kingston*, and from *Vauxhall Bridge*, through *Stockwell*, to *Brixton Causeway*; and from *Newington* to the east end of *Peckham Lane*; and from *Camberwell Green* to *The Fox under the Hill*, in the county of *Surrey*; and for repealing so much of several acts, now in force, as relates to the said roads; and for repairing the road from *Highgate* aforesaid, to *Witchers*, in the county of *Suffex*.

Cap. 118. For continuing the term, and altering and enlarging the powers, of an act, made in the eighth year of his present Majesty, for amending and widening several roads leading from the town of *Bishop's Castle*, and from *Montgomery* to the turnpike road at *Westbury*, and from *Brockton* to the turnpike road at *Minsterley*, in the several counties of *Salop, Radnor, and Montgomery*; and for amending, widening, and keeping in repair, several other roads in the counties of *Salop and Montgomery*.

Cap. 119. For continuing the term, and altering and enlarging the powers, of an act of the fourth year of his present Majesty, for repairing and widening several roads leading from the town of *Bideford*, in the county of *Devon*.

Cap. 120. For enlarging the term and powers of an act made in the fourth year of the reign of his present Majesty, for repairing and widening the road from *Scott's Dyke*, in the county of *Dumfries*, by or through the villages of *Langholm, and Hawick*, to *Harems* in the county of *Roxburgh*.

Cap. 121. For enlarging the term and powers of an act made in the fourth year of the reign of his present Majesty, intitled, *An act for widening and repairing the road leading from Ashborne, in the county of Derby, over Belpar Bridge, to the present turnpike road from Sheffield and Chesterfield to Derby, at or near a place called Openwood Gate, and from Belpar Bridge to Ripley, in the county of Derby*.

Cap. 122. For enlarging the term and powers of an act, made in the fourth year of his present Majesty's reign, intitled, *An*

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act for amending, widening, and keeping in repair, several roads leading from the town of Cardiff, and several other towns and places, in the county of Glamorgan; and for making, altering, repairing, and widening, certain other roads within the said county.

Cap. 113. To enlarge the term and powers of an act passed in the fourth year of his present Majesty's reign, *for repairing and widening the roads from the high bridge in Spalding, to a certain place called Tydd Gaat, in the county of Lincoln; and from Sutton Saint Mary's to Sutton Wash, in the said county.*

Cap. 124. For amending and keeping in repair, the road from *Whitechapel Church*, in the county of *Middlesex*, to *Shenfield*, and the furthest part of the parish of *Woodford*, towards *Epping*; and from the causeway, in the parish of *Low Lorton*, to the end of the said parish of *Woodford*, next *Chigwell*, and through the parishes of *Chigwell* and *Lambourn*, in the county of *Essex*; and for lighting and watching the said road from *Whitechapel Church* to the four mile stones in the *Rumford* and *Woodford* roads.

Cap. 125. For amending the roads from a place called *Piff's Elm*, in the *Tringbury* turnpike road, through *Cheltenham*, to *Eden Church*, and from thence to *Cosbend Beeches*, in the road from *Gloucester* to *Gloucester*; and from the market house in *Cheltenham* to the *Burford* turnpike road at a place called *Persfordon Ash*; and from *Cheltenham* to the road from *Gloucester* to *London*, at or near a house called *Kilkenury*; and from the direction post in *Bembridge Field*, through *Birdlip*, to join the road from *Gloucester* to *Bath*, at or near *Painfwick*, and at a house called *The Harrow*, all in the county of *Gloucester*.

Cap. 126. For enlarging the term and powers of an act, made in the fourth year of the reign of his present Majesty, *for repairing and widening the roads from the end of Stanbridge Lane, near a barn, in the parish of Romsey, to the turnpike road at Middle Wallop; and from the turnpike road between Stanbridge Lane aforesaid, and Great Bridge, to the turnpike road at Stockbridge; and from the garden of Henry Hattat at Awbridge, to the garden wall of Denys Rolle esquire, at East Tuderley; and from Lock-erley mill stream to East Dean gate; and from the said garden wall to the turnpike road leading from Stockbridge aforesaid, in the county of Southampton, to Salisbury.*

Cap. 127. To enlarge the term and powers of an act, passed in the tenth year of his present Majesty's reign, *for amending the road from Aylesbury, in the county of Buckingham, through Thame and Little Milton, to the turnpike road between Benfington and Shillingford, in the county of Oxford; and for amending the road from the turnpike road at Thame, to the Oxford turnpike road between Postcomb and Tetsworth, in the said county of Oxford.*

Cap. 128. To enlarge the term, and explain and amend the powers of an act passed in the fifth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from*

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*from the turnpike road in Banbury, in the county of Oxford,
through Daventry and Cottesbach, to the south end of Mill Field,
in the parish of Lutterworth, in the county of Leicester.*

PRIVATE ACTS.

1. **A**N act to enable *William Lucas Holden* to take and use the surname of *Rose*.
2. An act for naturalizing *Charles Frederick Wiple*.
3. An act for naturalizing *Frederick Hendrick Van Hazen*.
4. An act for inclosing, and leasing or letting a certain common, and certain waste grounds, lying within the parish of *Marston Montgomery*, in the county of *Derby*, and applying the profits thereof in aid of the poor's rate, and other parochial taxes of the said parish.
5. An act for dividing and inclosing the several open common fields, common or stinted pastures, wolds, inges, sands, meadow lands, and waste grounds, within the township of *South Cave*, in the east riding of the county of *York*.
6. An act for dividing, allotting, and inclosing the common fields, half year, or slack lands, commons, and waste grounds, within the parish of *Ashill*, in the county of *Norfolk*.
7. An act for naturalizing *Simon Tamm*.
8. An act for naturalizing *John Andrew De Luc*.
9. An act for naturalizing *Thomas Oom*, *Charles Frederick Bremer*, and *Daniel Philip Dobbert*.
10. An act to enable the right honourable *George Evelyn* viscount *Falmouth*, and others, and the guardians of their issue male, to make lease, of the estates in *Cornwall*, devised by the will of *Hugh* late viscount *Falmouth* deceased, and also to grant leases and leases of the mines therein.
11. An act for vesting certain estates, in the counties of *Kent* and *Somerset*, and in the city of *London*, devised by the will of *Thomas* late earl of *Leicester*, deceased, in trustees, to be sold, and for laying out the money arising therefrom in the purchase of other estates, situate in the county of *Norfolk*, to be settled to the same uses.
12. An act for dividing and inclosing the several open and common arable fields, and the down or common called *Colerne Downe*, within the parish of *Colerne*, in the county of *Wilts*.
13. An act for dividing and inclosing certain parts of the moors, commons, and waste lands, within the manor of *Egleston*, in the county of *Durham*.
14. An act for dividing and inclosing the common fields, common meadows, heath, and waste lands, lying within the manor and parish of *Meriden*, in the county of *Warwick*, pursuant to an agreement entered into for that purpose.
15. An act for dividing and inclosing the several common pastures,

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pastures, commons, or waste grounds, within the townships of *Wykeham*, and *Rushton*, in the manor of *Wykeham*, in the north riding of the county of *York*.

16. An act to enable *William Perberton* esquire, and his first and other sons, and their issue, to take, use, and bear the name and arms of *Cludde*, pursuant to the will of *Edward Cludde*, esquire, deceased.

17. An act for vesting in trust, for *Peter lord King*, and his heirs, the inheritance, in fee simple, of a messuage, or dwelling house, in *Dover-street*, in the county of *Middlesex*, devised and limited by the will of *Thomas lord King*, deceased, and for settling a farm, lands, and hereditaments, in the county of *Surrey*, in lieu thereof, to the uses limited by the same will.

18. An act for confirming an exchange agreed upon between the lord bishop of *Hertford* and the right honourable *Charles lord Sommers*, of certain estates in the county of *Hertford*.

19. An act for confirming a mortgage made by *John Newton* esquire, of part of his settled estates in *Suffex*, pursuant to a decree of the high court of chancery, and for enabling him to make a further mortgage of his settled estates, according to such decree, and for discharging both incumbrances with the produce of his estates vested in trustees to be sold.

20. An act for establishing and confirming an agreement between the warden and scholars, clerks of *Saint Mary college of Windsor*, near *Windsor*, in the county of *Southampton*, and their lessee, and *Robert Pope Blackford* esquire, for exchange of certain grounds in the parish of *Whippinghar*, in the Isle of *Wight*, and county of *Southampton* aforesaid.

21. An act for vesting two thirty-sixth shares of the navigation of the river *Douglas*, alias *Assand*, in the county of *Lancaster*, part of the settled estates of *Edward J. Dail* esquire, in trustees, to be sold, and for laying out the money arising by such sale in the purchase of lands and hereditaments, to be settled in lieu thereof, to the same uses.

22. An act for vesting the estates devised by the will of *Anthony Harton* esquire, deceased, situate and being in the county of *York*, in trustees, to be sold, for payment of the debts and incumbrances affecting the same, and for laying out the surplus of the purchase money upon the trusts, and for the purposes, therein expressed.

23. An act for dividing and inclosing a certain waste, or common, called *Lizard Common*, within the parish of *Lidjal*, otherwise *Shiffnal*, in the county of *Salop*.

24. An act for dividing and inclosing the commons and waste lands called *Frodington*, otherwise *Fraddington*, otherwise *Fratton Common*, and *South Sea Common* and *Wastes*, in the guildable part of the parish of *Portsea*, and county of *Southampton*.

25. An act for dividing and inclosing the common fields and waste lands within the manors of *Kinnerley* and *Melverley*, in the county of *Salop*.

26. An act for dividing and inclosing certain commons and
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waste lands within the townships of *Pickering* and *Newton*, in the north riding of the county of *York*.

27. An act for dividing and inclosing the commons, open common fields, common meadows, commonable lands, and waste grounds, within the liberty of *Holbrooke*, in the parish of *Duffield*, in the county of *Derby*.

28. An act for dividing and inclosing the common fields, common meadows, waste lands, and other commonable places, within the parish of *Upper Clatford*, in the county of *Southampton*.

29. An act for dividing, allotting, and inclosing the open and common fields, and common or waste land, within the lordship or liberty of *Osgathorpe*, in the county of *Leicesters*.

30. An act to enable *John Simpson* (lately called *John Bridgman*) esquire, and the heirs male of his body, to take and use the surname of *Simpson*, pursuant to the will of *William Simpson* esquire, deceased, and also to bear the arms belonging to the family of *Simpson*.

31. An act for exchanging part of the settled estate of *Henry* Earl of *Aylesford*, in the county of *Kent*, for another estate, of greater value, in the same county, to be settled in lieu thereof.

32. An act for vesting a cottage or tenement, used as and for a school-house, and other hereditaments, in or near the town of *Milton*, in the county of *Dorset*, in *Joseph* lord *Milton*, and his heirs, in lieu of, or in compensation for, a messuage or tenement and garden, situate and being in the town of *Blanford Forum*, of greater value.

33. An act for vesting part of the settled estates, and such of the estates of the right honourable sir *John Shelley*, baronet, deceased, which, upon his death, descended to his son sir *John Shelley* baronet, an infant, as his heir at law, in trustees, for the purposes within mentioned.

34. An act for better regulating the charity of *John Shaftoe*, of *Nether Warden*, in the county of *Northumberland*, clerk, deceased.

35. An act for vesting certain detached parts of the settled estates of *Henry Hippisley Cox* esquire, in *Somersetshire*, in trustees, to be sold, and for laying out the purchase money in other estates to be settled to the same uses, and for enabling the tenants for life to grant as well leases of the coal mines as other leases.

36. An act for vesting part of the settled estates of *John Cotes* esquire, in the counties of *Montgomery*, *Salop*, and *Stafford*, in trustees, to be sold, for raising money for payment of debts and incumbrances affecting the same estates, and for other purposes therein mentioned.

37. An act to effectuate a partition of the estates of *Job Hanmer* esquire, the reverend *Erasmus Warren* clerk, and sir *Thomas Charles Bunbury* baronet, in the counties of *Suffolk* and *Essex*.

38. An act for vesting part of the estates of *John Tapp* esquire, deceased.

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deceased, in the counties of *Salop* and *Montgomery*, in trustees, to be sold, for payment of his debts and legacies, and the costs of suit, pursuant to the directions of the court of chancery, and for discharging part of the estates so vested from a perpetual yearly rent charge, and for subjecting part of the said *John Topp's* devised estates to the payment thereof.

39. An act for empowering the judges of the court of session in *Scotland* to sell such parts of the estates of *Barnbarroch* and *Shenchan*, lying in the county of *Wigtown*, and stewardry of *Kirkcudbright*, belonging to *Robert Agnew* esquire, as shall be sufficient for payment of the debts affecting either of those estates, and for vesting the remainder in fee tail to the same heirs, and under the same limitations, as are mentioned in the deed of entail thereof, bearing date the twenty-ninth day of *December*, one thousand seven hundred and fifty-seven.

40. An act for vesting the estate of *Drummodie*, and others, lying in the county of *Wigton*, in sir *William Maxwell*, of *Munreith* baronet, in fee simple; and for vesting in the said *Sir William Maxwell*, his heirs and assigns, in fee tail, the estate of *Little Killantrée*, and others, lying in the same county, in lieu thereof.

41. An act for vesting the undivided moiety of the freehold and copyhold estates of *William Clarke* esquire, deceased, devised by his will for the benefit of his daughter *Mary Forbes*, and her issue, in trustees, for the purposes within mentioned.

42. An act to enable the honourable *Wilbrham Tollemache*, and the several other persons therein mentioned, to grant building leases of certain parts of lands and hereditaments in the county palatine of *Chester*, (devised by the will of the right honourable *Lionel* late earl of *Dysart*) upon the terms and restrictions therein mentioned.

43. An act for vesting part of the feuled estates of *James Walwyn* esquire, in the county of *Hereford*, in the said *James Walwyn*, in fee simple, and for settling other estates of the said *James Walwyn*, in the said county, of greater value, in lieu thereof.

44. An act for sale of a sufficient part of the estates of *Hugh Parnell*, a lunatick, for payment of his debts and incumbrances, under the direction of the court of chancery.

45. An act for dividing and inclosing the commons, waste grounds, and moss, within the hamlet or township of *Forton*, in the county of *Lancaster*.

46. An act for dividing and inclosing certain open common fields, meadows, pastures, ings, and other commonable lands, and waste grounds, within the parish of *Donnington upon Baine*, in the county of *Lincoln*.

47. An act for dividing, allotting, and inclosing, the open and common fields, common crofts. and common meadows, and for draining and improving certain common moors, within the parish of *Wimborne Minster*, in the county of *Dorset*.

48. An act for dividing, inclosing, and improving certain lands,

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lands, grounds, carrs, and common pastures, in *Woodmansey*, *Thearne*, *Weal*, and *Skidby*, all in the parishes of *Saint John* in *Beverley*, and of *Skidby*, in the east riding of the county of *York*.

49. An act for dividing and inclosing an open waste, or common, in the parish of *Sidleham*, in the county of *Suffex*.

50. An act for dividing and inclosing a certain open tract of land called *Rothwell Haigh*, within *Rothwell*, in the west riding of the county of *York*.

51. An act for naturalizing *William Henry Collignon*.

52. An act for naturalizing *Barnard Levi*.

53. An act for vesting certain messuages, lands, and hereditaments, in the parish of *Landegai*, in the county of *Carnarvon*, belonging to the trustees of the free school of *Beaumaris*, in the right honourable *Richard* lord *Penrhyn*, of the kingdom of *Ireland*, and his heirs, upon certain terms and conditions therein mentioned.

54. An act for vesting a fee farm rent, belonging to *Thomas Borrett* esquire, and *Martha* his wife, in the county of *Bedford*, comprized in a settlement made upon their marriage, in trustees, to be sold, for the purposes in the act mentioned; and for vesting other parts of their settled estates, situate in the county of *Kent*, for the separate use of the said *Martha Borrett*, and to other uses, the same as in the former settlements thereof.

55. An act to enable *Elizabeth Osborne*, *William Symonds*, *Thomas Symonds Powell*, and *John Moore Green*, their heirs or assigns, to convey certain lands and hereditaments, in the parish of *Clebonger*, in the county of *Hereford*, and which are now subject to the trusts of the will of the late *John Smith* esquire, in exchange for other lands in the same county, of greater value, to be conveyed to, and held by them respectively, upon the trusts of the said will of the said *John Smith*.

56. An act for dividing and allotting the open and common lands and grounds within the several parishes of *Foffont*, *Swallowclift*, *Ebeysborne*, *Wake*, *Broadchalk*, *Bowerchalk*, *Alvedeston*, *Bishopston*, and *Fisfield*, in the county of *Wilts*.

57. An act for dividing and inclosing the open arable fields, ings, or pasture grounds, and common, within the township of *Kilnwick*, in the parish of *Kilnwick*, in the east riding of the county of *York*.

58. An act to dissolve the marriage of *John Inglis* esquire, with *Ann Stewart* his now wife, and to enable him to marry again, and for other purposes therein mentioned.

59. An act to enable *John Schrieber* esquire, and the heirs of his body, to take and use the surname and arms of *Lattard*.

60. An act for naturalizing *Charles Imhoff*.

61. An act for naturalizing *Hermann Graumann*.

The END of the TABLES.

A
T A B L E
OF THE
S T A T U T E S
PUBLICK and PRIVATE,



Passed Anno vicefimo sexto

GEORGI II. *Regis:*

Being the Third Session of the Sixteenth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **F**OR confining, for a limited time, the trade between the ports of the United States of *America*, and his Majesty's subjects in the island of *Newfoundland*, to bread, flour, *Indian* corn, and live stock, to be imported in none but *British*-built ships, actually belonging to *British* subjects, and navigated according to law, clearing out from the ports of his Majesty's *European* dominions, and furnished with a licence according to the form hereunto annexed.

Cap. 2. To continue an act, made in the last session of parliament intituled, *An act to prohibit, for a limited time, the exportation of Hay.*

Cap. 3. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and eighty-six.

Cap. 4. For further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for preventing certain Indian ships from being required from ships belonging to the United States of America; and to give to his Majesty, for a limited time, certain powers*

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for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the said United States; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intitled, An act to extend the powers of an act made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the United States of America, in the trade and commerce of this kingdom with the British Islands and plantations in America, with respect to certain articles therein named.

Cap. 5. To regulate the exportation of hops to *Foreign*.

Cap. 6. For continuing and granting to his Majesty certain duties upon malt, mow, cyder, and petty, for the service of the year one thousand seven hundred and eighty-six.

Cap. 7. For the regulation of his Majesty's marine forces while on shore.

Cap. 8. To enable the persons therein named to provide proper places on shore for the reception of the crew of the *Flying Dutch Boy Indiaman*, forced by fits of weather into the port of *Dutchess*.

Cap. 9. To explain and amend an act of the last session of parliament, intitled, *An act for granting to his Majesty certain duties on goods within Great Britain*; for repealing several of the duties granted by the said act, and for granting other duties in lieu thereof.

Cap. 10. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 11. For enlarging the term of several acts of parliament, for the repair of *Dover* harbour.

Cap. 12. For opening, making, widening, and altering certain streets, passages, and places within the town of *Liverpool*, in the county palatine of *Lancaster*; for supplying the said town with fresh and wholesome water; for removing and preventing nuisances and annoyances therein; for appointing additional market places, and for extending so much of the powers of an act of the second year of his present Majesty, as relates to hackney coachmen, chairmen, catters, and porters, to a certain distance beyond the liberties of the said town.

Cap. 13. To continue and render more effectual so much of an act, passed in the twenty-seventh year of the reign of his late majesty King George the Second, as imposes a duty on ships and vessels anchoring in the harbour of *Alma*, in the county of *Gloucestershire*, for repairing the pier of the said harbour.

Cap. 14. To prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the several parishes lying between *Penny* and *Rollerhithe*, both inclusive, in the county of *Essex*.

Cap. 15. For ascertaining and ascertaining the income of the rectors of the parish church and parochial chapel of *Liverpool*.

Cap. 16. To explain and amend certain provisions of an act,
made

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made in the twenty-fourth year of the reign of his present Majesty, respecting the better regulation and management of the affairs of the *East India* company.

Cap. 17. For paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places, within the town of *Worcester*, and the precincts thereof, in the county of *Gloucester*; for the removal of present, and prevention of future, encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and ascertaining the rates of carriage; and for widening some part of the street called *Church Street*, within the said town.

Cap. 18. For the more easy and speedy recovery of small debts within the town and borough of *Dial*, and the parishes of *Ripple*, *Sutton*, *Northburn*, *Great Monckham*, *Little Monckham*, *Tilmanstone*, *Bethanger*, *Ham*, and *Shelden*, in the county of *Kent*.

Cap. 19. To amend and render more effectual two acts, made in the sixth year of the reign of Queen *Anne*, and the thirty-second year of the reign of his late majesty King *George the Second*, for erecting a workhouse in the town and borough of *Plymouth*, in the county of *Devon*; and for setting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of *Plymouth* to contribute towards the county rate of *Devon*; and for applying for the relief of the poor in the said workhouse, certain surplus monies which have formerly arisen by the assessment for raising the land tax in the said town; and for granting further power to the guardians of the poor of the town of *Plymouth*, in the county of *Devon*.

Cap. 20. To amend and render effectual, two acts, of the ninth and fifteenth years of his present Majesty, for making and maintaining a navigable canal from the *Country* canal navigation to the city of *Oxford*.

Cap. 21. For repairing the highways and bridges in the county of *Dumfriesshire*.

Cap. 22. For the more easy and speedy recovery of small debts within the town and port of *Sandwich*, and vill of *Ramsley*, and the parishes of *Manly* and *Saint Lawrence*, in the *Isle of Thanet*, *Walmer Ash* next *Sandwich*, *Eggsy*, *Wingham*, *Staple*, *Goodnestone* next *Wingham*, *Chilenden*, *Newington*, *Wadhurst* borough otherwise *Winfboro*, *Eythorne*, *Ward* otherwise *Werth*, *Emmerson*, *Pratten* next *Wingham*, *Ikham*, and *Hakhambsax*, in the county of *Kent*.

Cap. 23. For the appointment of an additional overseer for the better government of the poor of the parish of *Wylbury*, in the county of *Wilts*.

Cap. 24. For building a new gaol and house of correction for the county of *Salop*, and the several boroughs, towns corporate, liberties, franchises, and places within the same; and for explaining and amending an act made in the twenty-third year of his present Majesty, intituled, *An act for building a new shire hall and guildhall for the county of Salop and the town of Shrewsbury*.

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jury, in the said county; and for the other purposes therein mentioned.

Cap. 25. For obviating all doubts which have arisen, or might arise, with respect to the exclusive power of the court of directors of the *East India* company to nominate and appoint the governor general and council of the presidency of *Fort William* in *Bengal*.

Cap. 26. To amend and render more effectual the several laws now in force for encouraging the fisheries carried on at *Newfoundland*, and parts adjacent, from *Great Britain*, *Ireland*, and the *British* dominions in *Europe*; and for granting bounties, for a limited time, on certain terms and conditions.

Cap. 27. For authorising the lord chief baron, and remanent barons of the court of exchequer in *Scotland*, out of the unappropriated money arising from the forfeited and lately annexed estates in *Scotland*, to pay a certain sum to the society in *Scotland* for propagating christian knowledge, for the purposes, and under the conditions therein mentioned.

Cap. 28. For providing a proper workhouse, and better regulating the poor, within the parish of *Rensford*, in the liberty of *Haringgate* in the county of *Essex*.

Cap. 29. To enable his Majesty to licence a playhouse within the town and port of *Alcergate*, in the Isle of *Thames*, in the county of *Kent*, under certain restrictions therein limited.

Cap. 30. To enable the company of proprietors of the *Coweney* canal navigation to complete the said canal to *Franchise Heath* in the county of *Stafford*; and for other purposes therein mentioned.

Cap. 31. For vesting certain sums in commissioners, at the end of every quarter of a year, to be by them applied to the reduction of the national debt.

Cap. 32. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty six.

Cap. 33. For raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty six.

Cap. 34. For altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

Cap. 35. To explain, amend, and render more effectual, an act made in the last session of parliament, intitled, *An act to explain, amend, and render more effectual, an act, passed in the twenty third year of His present Majesty's reign, intitled, "An act for authorising the commander of the navy to pay to the garrison " and naval department at Gibraltar, the like bounty for destroying " certain Spanish ships of war, as is allowed to the officers and men " on board any of His Majesty's ships of war taking or destroying " ships of war belonging to the enemy."*

Cap. 36. To explain an act, made in the last session of parliament, with respect to the allowances to be made for waste on the exportation of white salt and rock salt to the *Isle of Man*; for

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for limiting the quantity of *British* refined sugar to be exported to the *Isle of Man*; and for repealing to much of an act, made in the seventh year of the reign of his present Majesty, intituled, *An act for encouraging and regulating the trade and manufacture of the Isle of Man; and for the more easy supply of the inhabitants thereof with a certain quantity of wheat, barley, oats, meal, and flour, authorised by an act made in this session to be transported to the said island*, as relates to permitting any person to import into the *Isle of Man* fish from any place what ever, except from *Great Britain*, without payment of any custom or other duty whatsoever.

Cap. 37. For laying a toll upon all horses and carriages passing on a *Sunday* over *Blackfriars Bridge*, and for applying the money to arise thereby towards increasing the fund for watching, lighting, cleansing, watering, and repairing the said bridge.

Cap. 38. For regulating the time of the imprisonment of debtors imprisoned by process from courts instituted for the recovery of small debts; for abolishing the claim of fees of gaolers, and others, in the cases of such imprisonment; and for ascertaining the qualifications of the commissioners.

Cap. 39. For widening, enlarging, and cleansing the streets, lanes, and other publick places, and for opening new streets, markets, and passages, within the town of *Newcastle upon Tyne*, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common stage waggons, drays, and carts, carrying goods for hire.

Cap. 40. For regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods.

Cap. 41. For the further support and encouragement of the fisheries carried on in the *Greenland* seas and *Davis's Straights*.

Cap. 42. For granting to his Majesty an additional duty upon battens and deals imported into *Great Britain*.

Cap. 43. To continue and render more effectual an act passed in the twenty-first year of his Majesty's reign, for the encouragement of the growth of hemp and flax, in that part of *Great Britain* called *England*.

Cap. 44. For the further relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit.

Cap. 45. To continue and amend an act, made in the twenty-fifth year of the reign of his present Majesty, for the encouragement of the pilchard fishery, by allowing a further bounty upon pilchards taken, cured, and exported.

Cap. 46. For augmenting and fixing the salaries of the lords

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of session, lords commissioners of justiciary, and barons of exchequer, in that part of *Great Britain* called *Scotland*.

Cap. 47. For discharging the payment of sentence money, and other fees of court, to the judge of the court of admiralty in that part of *Great Britain* called *Scotland*, and the payment of sentence money to the judges of the commissary court in *Edinburgh*; for granting salaries to the judges of the said courts in lieu thereof; and for regulating the nomination of the said judges.

Cap. 48. For granting to his Majesty certain duties on stamped vellum, parchment, and paper, within that part of *Great Britain* called *Scotland*, to replace to the revenue the sums granted out of the same, in this session of parliament, towards the augmentation of the salaries of the judges of the courts of session, justiciary, exchequer, and admiralty court in *Scotland*, and commissary court of *Edinburgh*.

Cap. 49. For granting to his Majesty certain stamp duties on perfumery, hair powder, and other articles therein mentioned; and on licences to be taken out by persons uttering or vending the same.

Cap. 50. For the encouragement of the southern whale fishery.

Cap. 51. For better securing the duties on starch, and for preventing frauds on the said duties.

Cap. 52. For the more effectually preventing the fraudulent removal of tobacco, and for the ease of the fair trader; for discontinuing the discount upon payment on bonds before due, and establishing the duty to be paid upon tobacco of the growth of the *British* plantations, and the United States of *America*.

Cap. 53. To continue several laws relating to the giving further encouragement to the importation of naval stores from the *British* colonies in *America*; to the allowance upon the exportation of *British* made gunpowder; to the further encouraging the manufacture of *British* sail cloth; and to the duties payable on foreign sail cloth; to the granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in *Great Britain*, and navigated according to law; to the importing salt from *Europe* into the province of *Quebec* in *America*; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the permitting the free importation of raw goat skins into this kingdom; to the repealing the duties upon pot and pearl ashes, wood and weed ashes, imported into *Great Britain*, and for granting other duties in lieu thereof; to the registering the prices at which corn is sold in the several counties of *Great Britain*, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in *Great Britain*; and to revive and continue several laws relating to the allowing a drawback of the duties on rum, shipped as stores, to be contained on board merchant ships on their voyages;
and

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and to the granting a bounty upon the importation of hemp and rough and undressed flax from his Majesty's colonies in *America*.

Cap. 54. For continuing the salaries and profits of the commissioners, clerks, and other officers of the stamp office rateable to the land tax, in *Shire Lane* ward, within the division of *Saint Clement Danes* and *Saint Mary le Strand*, in the liberty of *Westminster*, notwithstanding the said office should be removed into any other division or place.

Cap. 55. To enable the justices of the peace for the county of *Middlesex* to raise money, in manner therein mentioned, for erecting a house of correction within the said county.

Cap. 56. For obliging overseers of the poor to make returns, upon oath, to certain questions specified therein, relative to the state of the poor.

Cap. 57. For the further regulation of the trial of persons accused of certain offences committed in the *East Indies*; for repealing so much of an act, made in the twenty-fourth year of the reign of his present Majesty, (intituled, *An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies*), as requires the servants of the *East India* company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the *East Indies*; and for the more easy proof, in certain cases, of deeds and writings executed in *Great Britain* or *India*.

Cap. 58. For procuring, upon oath, returns of all charitable donations, for the benefit of poor persons, in the several parishes and places within that part of *Great Britain* called *England*.

Cap. 59. For repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commissioners of excise.

Cap. 60. For the further increase and encouragement of shipping and navigation.

Cap. 61. For granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.

Cap. 62. To enable the *East India* company to raise money by a sale of annuities, and by increasing their capital stock.

Cap. 63. For the further preventing frauds and abuses attending the payment of wages, prize money, and other allowances, due for the service of petty officers and seamen on board any of his Majesty's ships.

Cap. 64. To discontinue, for a limited time, the several duties payable in *Scotland* upon low wines and spirits, and upon worts, wash, and other liquors, there used in the distillation of
spirits;

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spirits; and for granting to his Majesty other duties in lieu thereof.

Cap. 65. For granting to his Majesty a certain sum of money, to be raised by a lottery.

Cap. 66. For appointing commissioners further to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.

Cap. 67. For appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

Cap. 68. For appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government.

Cap. 69. For defraying the charge of the militia in that part of *Great Britain* called *England* for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and eighty-six.

Cap. 70. To rectify a mistake in an act made in this present session of parliament, intituled, *An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament*.

Cap. 71. For regulating houses, and other places, kept for the purpose of slaughtering horses.

Cap. 72. For explaining and amending an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches*.

Cap. 73. To discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *British* liquors; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*.

Cap. 74. For granting to his Majesty additional duties upon sweets, and for ascertaining the duties upon licences to be taken out by persons dealing in sweets.

Cap. 75. For appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of *East Florida* to the King of *Spain*.

Cap. 76.

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Cap. 76. For repealing so much of two acts, passed in the fourteenth and twenty-first years of the reign of his present Majesty, as prohibits the exportation of wool cards of a limited price.

Cap. 77. To limit a time for the repayment of the duties on male servants and carriages by the commissioners of excise; and also on horses, waggons, wains, and carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

Cap. 78. For better securing the duties on paper printed, painted, or stained, in *Great Britain*.

Cap. 79. To explain, amend, and render more effectual, an act made in the last session of parliament, intituled, *An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; and for making certain provisions respecting oaths to be administered by the commissioners for the duties on houses, and windows or lights, or any other duties put under their management.*

Cap. 80. For further continuing certain acts therein mentioned, relating to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the preventing the committing of frauds by bankrupts.

Cap. 81. For the more effectual encouragement of the *British* fisheries.

Cap. 82. For the more effectually carrying into execution the laws relating to the duties on stamped vellum, parchment, and paper; and for repealing certain stamp duties on policies for insuring property in any foreign kingdom or state from loss by fire.

Cap. 83. To explain and amend an act, passed in the seventh year of the reign of his present Majesty, *to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex.*

Cap. 84. To empower the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.

Cap. 85. To revive, continue, and amend so much of an act, made in the sixth year of the reign of his present Majesty, intituled, *An act for allowing a bounty on the exportation of British made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported*, as relates to allowing a bounty on the exportation of *British* made cordage.

Cap. 86. To explain and amend an act, made in the seventh year of his late Majesty's reign, intituled, *An act to settle law*
for

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for owners of ships shall be answerable for the acts of the masters or mariners; and for giving a further relief to the owners of ships.

Cap. 87. For appointing commissioners to enquire into the state and condition of the woods, forests, and land revenues, belonging to the crown; and to sell or alienate free-towns and other unimprisonable rents.

Cap. 88. For settling and securing a certain annuity for the use of lady *Maria Carlton*, wife of sir *Guy Carlton*, knight of the most honourable order of the Bath, and *Guy Carlton*, and *Thomas Carlton*, sons of the said sir *Guy Carlton*, in consideration of the eminent services performed by him to his Majesty, and this country.

Cap. 89. To explain, amend, and extend to other tools and utensils, an act, made in the twenty-ninth year of the reign of his present Majesty, intituled, *An act to prohibit the exportation to foreign parts of tools and utensils made up of iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in these manufactures, to go into parts beyond the seas.*

Cap. 90. For repealing so much of an act, passed in the twenty-second year of his present Majesty's reign, intituled, *An act for granting to his Majesty additional duties upon salt; and certain duties upon Glauber or Epsoin salts; and upon mineral alkali, or flux for glass, made from salt; and to prevent frauds in the duties on sea salt to be used in manuring of lands*, as relates to the obtaining rock salt or salt rock, or brine, or sea water, for the purpose of making mineral alkali, or flux for glass, duty-free.

Cap. 91. For making perpetual an act, made in the fourteenth year of the reign of his present Majesty, intituled, *An act for regulating mad houses.*

Cap. 92. To continue, for a limited time, an act made in the twenty-fourth year of the reign of his present majesty King George the Third, to explain, amend, and render more effectual, an act made in the thirtieth year of the reign of his late majesty King George the Second, intituled, “*An act for the more effectual punishment of persons who shall attain, or attempt to attain, possession of goods or money, by false or untrue pretences; for preventing the unlawful pawnbroking of goods; for the easy redemption of goods pawned; and for preventing gaming in public houses by journey-men, labourers, servants, and apprentices; so far as the same relates to the preventing the unlawful pawnbroking of goods, and for the easy redemption of goods pawned.*”

Cap. 93. To enable his Majesty to grant a certain annuity to *Lord Albemarle* equine, late commissary general in *North America*, in consideration of his diligent and meritorious services in that office.

Cap. 94. For making compensation to the proprietors of such lands and hereditaments as have been purchased for the more safe and convenient carrying on his Majesty's gunpowder works and mills, near the town of *Faversham*; and for the better securing his Majesty's docks, ships, and stores, at *Portsmouth* and *Plymouth*,

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Plymouth, in pursuance of acts of parliament made in the twenty-third and twenty-fourth years of his present Majesty's reign; and for other purposes therein mentioned.

Cap. 95. For enlarging the times appointed for the first meetings of commissioners, and other persons, for putting in execution certain acts of this session of parliament.

Cap. 96. To provide that the proceeding, now depending in the house of commons upon articles of charge of high crimes and misdemeanors, which have been exhibited against *Warren Hastings* esquire, late governor general of *Fort William* in *Bengal*, shall not be discontinued by any prorogation or dissolution of parliament.

Cap. 97. For raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-six.

Cap. 98. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Cap. 99. To ascertain the fees to be taken by the officers of the receipt of his Majesty's exchequer, on the issues of money which have been made, and shall hereafter be made, for the payment of certain pensions at the receipt of his Majesty's exchequer.

Cap. 100. To prevent occasional inhabitants from voting in the election of members to serve in parliament, for cities and boroughs, in that part of *Great Britain* called *England*, and the dominion of *Wales*.

Cap. 101. For erecting certain light-houses in the northern parts of *Great Britain*.

Cap. 102. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for *impowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting the squares, streets, and lanes, within the city and river of Westminster, and parts adjacent, to collect certain tolls on Sundays upon the several roads therein mentioned, and apply the same for the purposes of the said acts.*

Cap. 103. For assenting the commissioners, clerks, and other officers of the office for victualling his Majesty's navy, for their salaries, and the profits of their respective offices, to the land tax, in the manor of *East Suthfield*, in the *Tower Division*, in the county of *Middlesex*, notwithstanding the removal of the said office into any other division or place.

Cap. 104.

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Cap. 104. For allowing a drawback of the duties upon coals used in smelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines within the *Iffe of Anglesey*.

Cap. 105. For continuing the salaries and profits of the commissioners, clerks, and other officers of the pay office and navy office respectively, rateably to the land tax, in the wards of *Broad Street* and *Tower*, within the city of *London*, notwithstanding the said offices should be removed into any other division or place.

Cap. 106. For incorporating certain persons therein named, by the name and stile of *The British Society for extending the fisheries, and improving the sea coasts of this kingdom*, and to enable them, when incorporated, to subscribe a joint stock, and therewith to purchase lands, and build thereon free towns, villages, and fishing stations, in the highlands and islands in that part of *Great Britain* called *Scotland*; and for other purposes.

Cap. 107. For amending, and reducing into one act of parliament, the laws relating to the militia, in that part of *Great Britain* called *England*.

Cap. 108. For explaining, amending, and reducing into one act of parliament, the several acts passed for more effectually preventing the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and that part of the duchy of *Lancaster* adjoining thereto, and the several parishes of *Saint Giles in the Fields*, *Saint Mary le Bon*, and such part of the parish of *Saint Andrew Holborn*, as lies in the county of *Middlesex*.

Cap. 109. For incorporating the members of a society to be called *The Clyde Marine Society*; for the better empowering and enabling them to carry on their charitable and useful designs; and for levying certain duties from ship masters and others, for that purpose.

Cap. 110. For supplying *North Shields*, and the shipping resorting thereto, with water.

Cap. 111. To amend and render more effectual an act, made in the thirty-third year of the reign of his late majesty King *George the Second*, for rebuilding, widening, and enlarging the bridge over the river *Avon*, in the city of *Bristol*, and erecting a temporary bridge adjoining; and for widening the streets, lanes, ways, and passages leading thereto; and for building another bridge over some other part of the said river, within the said city (if necessary); and for opening proper ways and passages thereto; and for making a way from the bridge already built to *Temple Street*, in the said city.

Cap. 112. For raising a competent sum of money to defray the expence of a proper number of watchmen, patrols, and beaules, within the parishes of *Saint Margaret* and *Saint John the Evangelist*, in the city of *Westminster*.

Cap. 113. For widening several streets in the city of *Edinburgh*; for opening a communication from *Queen's Street* to *Broughton*

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Broughton Loan; for enlarging the burial ground; and for extending the royalty of the said city over part of the lands of *Broughton*.

— Cap. 114. For ascertaining and collecting the poor's rates, and for better governing, regulating, maintaining, and employing the poor, in the parish of *Saint John Southwark*, in the county of *Surrey*.

Cap. 115. For providing a proper workhouse, and better regulating the poor, within the parish of *Barking*, in the county of *Essex*; and for regulating the common wharf within the town of *Barking*.

Cap. 116. For paving the footways and passages in the town of *Cheltenham*, in the county of *Gloucester*; and for better cleansing and lighting the said town; for taking down certain old buildings now standing therein; and for removing and preventing other encroachments, nuisances, and annoyances.

— Cap. 117. For pulling down and rebuilding the church of *All Saints* in the town of *Newcastle upon Tyne*, and for enlarging the church-yard, and making convenient avenues and passages thereto.

Cap. 118. For the more easy and speedy recovery of small debts within the town and port of *Folkestone*, and the parishes of *Folkestone*, *Cheriton*, *Newington next Hithe*, *Stanford*, *Postling*, *Lyminge*, *Elbam*, *Paddlesworth*, *Acris*, *Swingfield*, and *Hawkinge*, in the county of *Kent*.

Cap. 119. For paving, repairing, cleansing, lighting, and watching, the streets, lanes, ways, passages, and places, within the borough of *Newport*, in *The Isle of Wight*; and for the removal of present, and prevention of future, encroachments, nuisances, and annoyances therein.

Cap. 120. For paving, cleansing, lighting, and watching the streets, lanes, and other publick passages and places, within the manor of *Southwark*, otherwise called *The Clink*, or *Liberty of Winchester's Liberty*, in the parish of *Saint Saviour, Southwark*, in the county of *Surrey*; for the removal of present, and preventing of future encroachments, nuisances, and annoyances therein; for laying out two new streets, and widening and regulating several other of the streets and passages within the said liberty; for discontinuing the passage through *Globe Alley*; and for shutting up in the night time the way leading from *Clink Street*, in the said liberty, to the river side.

Cap. 121. For appointing commissioners for putting in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty six*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 122. For continuing the term of an act, made in the sixth year of his present Majesty, *for amending, widening, altering,*

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ing, clearing, and keeping in repair, several roads leading from the market cross, in the town of Wareham, and in Purbeck, in the county of Dorset.

Cap. 123. For enlarging the term and powers of an act of the fifth year of his present Majesty, *for repairing, widening, and keeping in repair, several roads leading to and from Crewkerne, in the county of Somerset.*

Cap. 124. To enlarge the term and powers of an act, passed in the sixth year of the reign of his present Majesty, *for repairing, widening, and keeping in repair, the road leading from Cromford Bridge, in the county of Derby, to the turnpike road at or near Langleve Mill, in the said county.*

Cap. 125. For enlarging the term and powers of an act, made in the fourth year of the reign of his present majesty King George the Third, *for repairing and widening the road from Worktop, in the county of Nottingham, through the towns of Gateforth, Anston, Aston, Handsworth, and Darnall, to the north-east end of Attercliffe, in the county of York, where the same joins the turnpike road from Bawtry to Sheffield.*

Cap. 126. For more effectually repairing the road from Liverpool to Preston, in the county of Lancaster.

Cap. 127. For continuing the term, and altering and enlarging the powers of an act, of the fifth year of his present Majesty, *for repairing and widening the roads from The Little Bridge over the end of the drain next Wisbeach River, lying between Roper's Fields and The Bell Inn, in Wisbeach, in the Isle of Ely, to the sign of The Bear, in Walloken, in the county of Norfolk; and from Walloken Bridge, lying over the same drain, to the said sign of The Bear, and to Lord's Bridge, in Ilington; and from thence to the west ends of Maudlin Bridge and German's Bridge, in the county of Norfolk; and from the east end of German's Bridge aforesaid, to the west end of Long Bridge, in South Lynn, in the borough of King's Lynn, in the said county of Norfolk; and from Ilington aforesaid, to Cross Keys Wash, in the said county.*

Cap. 128. For continuing the term, and altering and enlarging the powers, of an act, passed in the fifth year of the reign of his present Majesty, *for repairing, widening, and keeping in repair, several roads in and near Great Torrington, in the county of Devon.*

Cap. 129. To enlarge the term and powers of an act, made in the ninth year of the reign of his present majesty King George the Third, *for repairing and widening several roads leading to and through the borough of Bodmin in the county of Cornwall.*

Cap. 130. For more effectually repairing the road from The Black Bull Inn, in Dunstable, in the county of Bedford, to the way turning out of the said road up to Skifford House, in the county of Hertford.

Cap. 131. For making, widening, and keeping in repair, certain roads in the several parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the county of Surrey; and for watching and lighting the said roads.

Cap. 132.

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Cap. 132. For enlarging the term of two acts, of the fifth and ninth years of his present Majesty, so far as the same relate to the repairing of the roads from *Wat's Cross* to *Cowden*, and from *Sevenoakes Common* to *Crockhurst Hatch Corner*, and from *Penshurst* town to *Southborough*, in the county of *Kent*.

Cap. 133. To enlarge the term and powers of two acts, made in the fifth and seventh years of his present Majesty, for repairing certain roads therein mentioned, leading from *Chatteris Ferry* to the town of *Wisbech Saint Peter's*, in the *Isle of Ely*, and other places in the said acts mentioned.

Cap. 134. For enlarging the term of an act of the fifth year of his present Majesty, for repairing and widening the roads leading from the turnpike road at *Kipping's Cross*, in the parish of *Brenchley*, in the county of *Kent*, through the parishes of *Brenchley*, *Horsmonden*, and *Goudhurst*, by the left hand side of *Iden Green*, to the turnpike road on *Witley Green*, in the parish of *Cranbrooke*; and from a place near *Goudhurst Gore*, through the parish of *Marden*, to *Stile Bridge*, in the said parish; and from *Underden Green*, in *Marden aforesaid*, to *Wanshurst's Green*, in the county of *Kent*.

Cap. 135. For amending and widening several roads leading from and through the town of *Wrveliscombe*, in the county of *Somerset*, and other roads adjoining or near thereto.

Cap. 136. For continuing the term, and altering and enlarging the powers of an act, passed in the fifth year of his present Majesty's reign, for repairing and widening several roads leading from the port town and borough of *Minehead*, and from *Dunster* and *Watchet*, in the county of *Somerset*.

Cap. 137. For enlarging the term and powers of an act, passed in the fifth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from Great Grimsby Haven*, at or near a place called *The Upper Sand End*, to *Wold Newton Church*, and from *Nuns Farm* to *The Mill Field*, in the parish of *Irby*, in the county of *Lincoln*.

Cap. 138. For enlarging the term and powers of an act, made in the sixth year of the reign of his present majesty King *George the Third*, and also of two acts, made, one in the twelfth year of the reign of King *George the First*, and the other in the twelfth year of the reign of King *George the Second*, so far as the said two acts relate to the road from *Spittlegate Hill* to *Poston Bridge*, in the county of *Lincoln*.

Cap. 139. For amending, widening, and keeping in repair, the road from *Floekersbrook Bridge*, within the township of *Newton*, near *Chester*, to the south end of *Wilderspool Causeway*, and from the market town of *Frodsham* to *Ashton Lane End*, in the township of *Ashton*, in the county of *Chester*.

Cap. 140. For continuing and amending an act of the fifth year of his present Majesty, for amending and widening the road from the sign of the *Coach and Horses* in *Birstall*, to the turnpike road at *Nunbrook*, and from *Bradley Lane* to the town of *Huddersfield*, in the west riding of the county of *York*.

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Cap. 141. For enlarging the term and powers of so much of an act, passed in the fifth year of the reign of his present majesty King George the Third, intituled, *An act for repairing and widening the roads from Bawtry Bridge, in the county of Nottingham, to Hainton, in the county of Lincoln; and from North Willingham, to the north end of the lane betwixt Dexthorpe and Langton; and from West Raisin to Pilford Bridge; and from the great road near Bishop Bridge to Bishop Norton Common; and from the hamlet of Morton to Epworth; and from Hexey Field to the Trent, at Kinnald Ferry, in the said county of Lincoln,* as relates to the first and second districts of roads, therein described.

Cap. 142. For enlarging the term and powers of an act, passed in the fifth year of the reign of his present Majesty, *for amending and widening the road, from the north end of Old Malton Gate, in the town and borough of New Malton, to the town of Pickering, in the county of York.*

Cap. 143. To continue the term of two acts, made in the thirteenth and twenty-seventh years of the reign of his late majesty King George the Second, *for repairing the road between Hockliffe, in the county of Bedford, and Stony Stratford, in the county of Buckingham.*

Cap. 144. For continuing the term, and altering and enlarging the powers, of an act, passed in the fifth year of the reign of his present Majesty, *for amending and widening the road from the city of York, by Grinston Smithy, to Kexby Bridge, and from Grinston Smithy aforesaid to a certain gate at the upper end of Garraby Hill, in the county of York.*

Cap. 145. For continuing the term of an act, of the seventh year of his present Majesty, *for repairing and widening the road leading from the turnpike road in the town of Tenterden, to and over Bull Green, and to and through the town of Great Chart, to a house known by the sign of the Castle, at the entrance of the town of Ashford, in the county of Kent; and also the road leading from Bull Green aforesaid to Hothfield Heath; and also the road leading from Bull Green aforesaid, through High Halden, to Dashmanden, in the parish of Biddenden, in the said county of Kent.*

Cap. 146. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, intituled, *An act for repairing and widening the road from Barton Waterside House to Riseham Hedge Corner, and several other roads in the county of Lincoln therein mentioned; and for repairing and widening the road from the Old Bridge, in the town of Brigg, in the said county, to Wrawby Bar and Bigby Bar, in the said town; and also the road from the end of the said turnpike road at Caistor, in the said county of Lincoln, to the South Gate, in the said town of Caistor.*

Cap. 147. To enlarge the term and powers of two acts, made in the fourth year of the reign of King George the Second, and the sixth year of the reign of his present Majesty, *for repairing the road*

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road from Godstone, in the county of Surrey, to Highgate, in the parish of East Grinstead, in the county of Sussex.

Cap. 148. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for repairing, widening, and keeping in repair, the road from Welford Bridge, in the county of Northampton, through Husband's Bosworth, and Great Wigton, to Millton Lane, in the town of Leicester.

Cap. 149. For enlarging the term and powers of an act, made in the sixth year of the reign of his present majesty King George the Third, intitled, *An act for repairing and widening the roads from Brimington and Chesterfield, in the county of Derby, over the High Moors, to the several places therein mentioned.*

Cap. 150. For continuing the term, and altering the powers, of an act of the fifth year of his present Majesty, for repairing, widening, and keeping in repair, several roads leading from Kidwelly, in the county of Carmarthen, and also several roads leading from Llandilo, in the said county, so far as relates to the Llandilo district of the said roads, and for amending and keeping in repair several other roads in the said county.

Cap. 151. For making, repairing, and widening the road from Heage, in the county of Derby, through *Alfreton*, to *Tibshelf*, in the same county, and also a branch from the same road, at or near *Shirland Lodge*, to *Higham*, in the same county.

Cap. 152. For enlarging the term and powers of two acts, made in the twelfth and thirty-first years of King George the Second, for repairing the road from Chesterfield, in the county of Derby, to Worklop, in the county of Nottingham, and other roads therein mentioned, so far as the same relate to the road from Chesterfield to Worklop.

Cap. 153. For enlarging the term and powers of an act, made in the sixth year of the reign of his present Majesty, for repairing and widening the road leading from the bottom of Church Lane, in the town of Newcastle under Lyne, in the county of Stafford, to the turnpike road leading from Woor to Chester, near the town of Nantwich, in the county of Chester, and from Chesterton, through Audley and Balterley, to Ghorsty Hill.

Cap. 154. For enlarging the term and powers of two acts, passed in the fifth and sixth years of the reign of his present Majesty, for repairing and widening the road from Tonbridge, to Maidstone, and from Wat's Cross to Cowden, in the county of Kent, so far as the same relate to the road from Tonbridge to Maidstone.

Cap. 155. To enlarge the term and powers of an act, passed in the twenty-fourth year of the reign of his late majesty King George the Second, so far as relates to the road from Selby, to Leeds, in the west riding of the county of York.

Cap. 156. To enlarge the term and alter the powers of an act, made in the fifth year of the reign of his present Majesty, for repairing and widening several roads leading from the quay, at Lympington, in the county of Southampton.

Cap. 157. For enlarging the term and powers of an act of the

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the fifth year of his present Majesty, for repairing and widening the road leading from the town of Wadhurst, in the county of Sussex, to the turnpike road at Lamberhurst Pound and Pullen's Hill, in the county of Kent; and from the top of Pullen's Hill, through the parishes of Horshamonden, Marden, Yalden, and West Farley, to West Farley Street, in the said county of Kent.

Cap. 158. To continue the term and powers of an act, made in the fifth year of the reign of his present Majesty, so far as the same relates to the repairing and widening the road leading from the river at ~~Swanling~~, through ~~Bosley~~, to the turnpike road at ~~Sherrill Heath~~, in the county of Southampton.

Cap. 159. For reviving, continuing, and enlarging the term and powers of an act, passed in the second year of the reign of his present Majesty, for repairing and widening the roads from a certain bridge called James Deeping Stone Bridge, to Peter's Gate, in Stamford, in the county of Lincoln, and from thence to the south-end of the town of Morcot, in the county of Rutland.

Cap. 160. For more effectually repairing and keeping in repair, so much of the road from the town of Newcastle upon Tyne, to the city of Carlisle, as is within the county of Northumberland.

PRIVATE ACTS.

1. **A**N act for naturalizing *Louis Weltje* and *Alexander von Mayersbach*.

2. An act for naturalizing *Andreas Emmerich*.

3. An act for naturalizing *John Henry Christopherson*.

4. An act for naturalizing *John Henry Rougement* and *Lewis Guy*.

5. An act for dividing and inclosing the commons and waste grounds within the borough or township of *Clitheroe*, in the county palatine of *Lancaster*.

6. An act to enable *Cornelius Salvidge*, (now called *Cornelius Tutton*), and the heirs of his body, to take the surname of *Tutton*, pursuant to the will of *Samuel Tutton* esquire, deceased.

7. An act for naturalizing *John Conrad Meyer*.

8. An act for naturalizing *John Peter Richard* and *George Christian Matthiesen*.

9. An act for naturalizing *Gustaf Hederstedt*.

10. An act to enable the right honourable *Francis lord Ducie*, and his issue, to take the surname of *Moreton*, and to bear and use the arms of honour of the right honourable *Matthew lord Ducie*, deceased, pursuant to the will of the said *Matthew lord Ducie*.

11. An act for vesting the settled estate of *Stephen Tress*, in the county of *Sussex*, in trustees, to convey the same pursuant to an agreement for the sale thereof, and for laying out the money in the purchase of other lands and hereditaments, to be settled to the like uses.

12. An

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12. An act for dividing and inclosing certain common fields, common meadows, pastures, and other commonable lands, within the hamlet of *Shottery*, in the parish of *Old Stratford* otherwise *Stratford-upon-Avon*, in the county of *Warwick*.

13. An act for dividing and inclosing certain open and common fields, common meadows and pastures, and commonable or waste lands, within the parish of *Oddington*, in the county of *Gloucester*.

14. An act for dividing and inclosing several parcels of waste grounds within the manors of *Narberth*, *Templeton*, *Mollleston*, and *Robestone Wathan*, in the parishes of *Narberth* and *Robestone Wathan*, in the county of *Pembroke*.

15. An act for dividing, inclosing, and allotting certain moors, commons, or waste lands, lying and being within the parish of *West Pennard*, in the county of *Somerset*.

16. An act to enable *George Tasburgh* esquire (lately called *George Crathorne*) and his heirs male, to take and bear the surname and arms of *Tasburgh* only, pursuant to the will, and also to a certain settlement made by *George Tasburgh* esquire, deceased.

17. An act for vesting part of the devised estate of *Robert Bishopp*, deceased, in the county of *Surrey*, in trustees, to be sold, and for laying out the money arising from the sale in the purchase of another estate, to be settled to the same uses.

18. An act to enable the vicar of the parish and parish church of *Sheffield*, in the county of *York*, to grant leases of the glebe land, and otherwise improve the estate belonging to the said vicarage.

19. An act for dividing and inclosing the several commons and waste grounds within the manors of *Crich* and *Southwingfield*, in the county of *Derby*.

20. An act for dividing and inclosing the several common fields, common downs, common pastures, and other commonable places, in the several parishes of *Upper Wallop*, *Hursbourn Priors*, and *Tuften*, in the county of *Southampton*.

21. An act for dividing and inclosing certain open and common fields, a common meadow and common pasture, and commonable lands, within the parish of *Bray*, in the county of *Berks*.

22. An act for dividing and inclosing the open fields, meadows, pastures, and other commonable lands and grounds, within the parish of *Titchwell*, in the county of *Norfolk*.

23. An act for dividing and inclosing the open and common fields, and all other commonable land, within the parish of *Harvington*, in the county of *Worcestershire*.

24. An act for dividing and inclosing the commons, common fields, wastes, and other commonable lands and grounds, within the manor and parish of *Methley*, in the county of *York*.

25. An act to effectuate and establish an exchange between the right honourable *Henry Frederick lord Carteret*, and his trustees, with the master, fellows, and scholars of the college of the lady

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Frances Sidney Suffex, in the university of *Cambridge*, of the advowson and right of patronage of and to the rectory of *Saint Mary Weik* otherwise *Weik Saint Mary*, in the county of *Cornwall*, for the advowson and right of patronage of and to the vicarage of *Wilbamsfled* otherwise *Wilsted*, in the county of *Bedford*.

26. An act for vesting certain estates in the county of *Nottingham*, intailed by the will of the right honourable *Henry William Thundell viscount Gallway*, in trustees, to be sold, and for laying out the money arising therefrom in the purchase of estates situate in the west riding of the county of *York*, to be settled to the same uses.

27. An act for vesting part of the estates, in the town and county of *Southampton*, devised by the will of *Benjamin Barlow*, deceased, in trustees, to be sold; and for laying out the purchase money in another estate, to be settled, in lieu thereof, to the same uses.

28. An act for dividing and inclosing a common, and certain other open grounds, in the township and parish of *Moor Monkton*, in the county of the city of *York*.

29. An act for dividing and allotting certain commonable grounds, or waste woodlands, in the township of *Atherstone*, in the county of *Warwick*.

30. An act for dividing, inclosing, and exchanging the open fields and other lands and grounds within the parish of *Raveley*, in the county of *Huntingdon*.

31. An act for dividing and inclosing the several common pastures, commons, or waste grounds, within the parishes of *Sinnington with Marton* and *Edstone*, in the north riding of the county of *York*.

32. An act for dividing and inclosing the commons or waste lands within the manor of *Aston* otherwise *Aston Abbots*, in the county of *Salop*.

33. An act for vesting part of the settled estates of *Denys Rolle* and *John Rolle*, esquires, in trustees, upon trust, to sell the same, and to purchase estates contiguous to the principal estates of the said *Denys Rolle* and *John Rolle*, to be settled to the uses of the estates vested in trustees for sale.

34. An act for dividing and inclosing the several open fields, stinted pasture, ings, commons, waste lands, and grounds, in the townships of *Little Smeaton* and *Stubbs Walden*, in the parish of *Womersley*, in the west riding of the county of *York*.

35. An act for dividing and inclosing the several open fields, common meadows, common pastures, commons, and waste grounds, in the parish of *Weston upon Trent*, in the county of *Derby*.

36. An act for enabling the right honourable *Charles Philip lord Stourton*, and the right honourable *Mary lady Stourton*, his wife, the right honourable *Hugh lord Clifford*, and the right honourable *Appolonia lady Clifford*, his wife, and *Robert Butler* esquire, and the honourable *Elizabeth Butler*, his wife, to charge their

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their estates at *Holme*, in the east riding of the county of *York*, with a competent sum of money for the purpose of improving the same, and also to grant building and other leases of the said estates, and of their other estates in the counties of *York* and *Stafford*.

37. An act to enable the surviving parties to certain articles of agreement made previous to the marriage of the honourable *John Damer*, deceased, with the honourable *Ann Seymour Conway* (now *Ann Damer*, widow) to insert in the indentment to be executed in pursuance of the said articles proper powers for raising the sum of forty thousand pounds for the purposes in the said articles mentioned.

38. An act for rectifying mistakes in the marriage settlement of lord and lady *Cannelford*, and for making a further provision for the younger children of the said marriage.

39. An act to resettle certain freehold and copyhold lands and hereditaments in the county of *Norfolk*, to the uses, and subject to the powers limited or expressed of and concerning the same, by the settlement made on the marriage of *William John Spearman Wasey* esquire, and *Elizabeth Honoria*, his wife.

40. An act for vesting the estate late of *John Whipton* esquire, deceased, in the county of *Warwick*, in trustees, to be sold and disposed of for the payment of his debts and certain of the legacies given by his will and codicil, and for laying out the residue of the money arising by such sale in the purchase of other estates, to be settled to the uses, and for the purposes, therein mentioned.

41. An act for vesting part of the settled estates of *Walter Stanhope* and *John Shuttleworth*, esquires, in the counties of *York* and *Derby*, in trustees, to be sold or exchanged, and for laying out the purchase money of the estates so to be sold, in other estates to be settled to the same uses, and for enabling the tenants for life to grant building and repairing leases, and for confirming the election made between the said parties respecting the said estates.

42. An act for effecting an exchange between *Rebecca Ashton* widow, and the right honourable *James* earl of *Salisbury*, of certain small parts of their estates in the county of *Herts*.

43. An act for vesting an undivided moiety (being the settled estate of *Samuel Williamson*, a lunatick) of and in certain lands in *Liverpool*, in the county of *Lancaster*, in trustees, to be sold, with the approbation of the court of chancery, and for laying out the money arising therefrom in the purchase of other estates, to be settled to the same uses.

44. An act for vesting part of the settled estates of *Richard Parry* esquire, in the county of *Denbigh*, in *North Wales*, in trustees, to be sold, and for applying the monies arising by such sale in discharging the incumbrances affecting the same and other estates of the said *Richard Parry*, and for substituting and settling another estate of greater value in lieu thereof.

45. An act for dividing and inclosing the open and common fields,

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fields, common meadows, common pastures, commonable lands, and waste grounds, in the manor and parish of *Broughton*, in the county of *Northampton*.

46. An act for dividing and inclosing the commons and waste grounds within the manor of *Huddersfield*, in the county of *York*.

47. An act for dividing and inclosing certain open and common fields, meadows, pastures, and waste lands, within the parish of *Canwick*, in the county of the city of *Lincoln*, and for separating, dividing, and appropriating, an open common called *Canwick*, or *The South Common*, adjoining thereto; and for extinguishing certain rights of common in and upon the same, and also in and upon the said open and common fields, meadows, pastures, and waste lands; and for making compensations in lieu thereof respectively.

48. An act for dividing and allotting the open and common fields, and other commonable lands and grounds, in the parish of *Berwick Saint John*, in the county of *Wilt*.

49. An act for vesting part of the estate of *Thomas Whitchot* esquire, deceased, in the county of *Lincoln*, in trustees, for sale, to pay off incumbrances affecting the same, and for other purposes therein mentioned.

50. An act to empower the guardians of *William Phillips Inge* esquire, and of his sisters, to make or grant building and other leases during their respective minorities; and also to make exchanges of intermixed lands in or near the town of *Birmingham*, in the county of *Warwick*.

51. An act for vesting the estate comprized in the settlement made on the marriage of the reverend *Thomas Beaumont* clerk, deceased, in trustees, to sell the same, and apply the money to arise by such sale in the purchase of other lands or hereditaments, to be settled, in like manner, in lieu thereof.

52. An act for applying part of the trust fund which was given by the will of doctor *Ralph Freeman*, for repairing or rebuilding the vicarage house of the parish of *Barking*, in the county of *Essex*, in purchasing a convenient piece of ground in the said parish, and in building a new vicarage house thereon.

53. An act for dividing, allotting, and inclosing the open and common fields, common downs, common pastures, common meadows, waste lands, and other commonable places, within the parish of *Basingstoke*, in the county of *Southampton*.

54. An act for enabling the right honourable *Edmund* earl of *Cork* and *Orrery*, in the kingdom of *Ireland*, and baron *Boyle* of *Marston*, in *England*, to pull down the present parish church of *Barston Biggott* otherwise *Marston Bygood*, in the county of *Somerset*, and for building a new parish church there.

55. An act to enable *William Bamford* esquire, and the several other persons therein mentioned, to grant leases of certain parts of the settled estates, in the several counties of *Lancaster* and *Chester*, lately of or belonging to *Ann Bamford* spinster, deceased, upon the terms and restrictions therein mentioned.

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56. An act for vesting part of the settled estates of *John Rich* gentleman, and *Elizabeth* his wife, in the counties of *Leicester* and *Warwick*, trustees, to be sold, and for applying the money arising therefrom in payment of incumbrances, under the direction of the court of chancery, and for laying out the surplus of such money in the purchase of other estates, to be settled to the same uses.

57. An act for dividing and inclosing certain commons, called *Belper Ward* and *Chevin Ward*, in the county of *Derby*, and certain waste lands within the liberties of *Duffield*, *Belper*, *Hazlewood*, and *Makeney*, within the parish of *Duffield*, in the said county of *Derby*.

58. An act for dividing, allotting, and inclosing the open common fields, common meadows, and pastures, and also a piece of common adjoining to *Chelworth Common*, all within the manors and tything of *Great* and *Little Chelworth*, or one of them, in the parish of *Cricklade Saint Sampson*, in the county of *Wilts*.

59. An act for vesting part of the devised estates of the right honourable *Thomas* lord *Foley*, deceased, in the county of *Worcester*, in *Samuel Skey* esquire, in fee simple, in exchange for another estate of equal value, and for effecting a sale of other part of the said devised estates to the said *Samuel Skey*, pursuant to an agreement made by the said lord *Foley* in his life time, and for investing the money arising from such sale in the purchase of other estates, under the direction of the court of chancery, to be settled, in lieu thereof, to the same uses.

60. An act for naturalizing *Albertine Marianne Trefusis*:

The END of the TABLES.

THE
STATUTES at Large, &c.

Anno regni GEORGII III. Regis, Magnæ Britannicæ, Franciæ, & Hiberniæ, viceſimo quinto.

AT the parliament begun and holden at Westminster, the eighteenth day of May, Anno Domini 1784, in the twenty-fourth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued, by several prorogations, to the twenty-fifth day of January, 1785; being the second session of the sixteenth parliament of Great Britain.

C A P. I.

As act for conſerving, for a limited time, the trade between the ports of the United States of America, and his Majesty's ſubjects in the iſland of Newfoundland, to bread, flour, and live ſtock, to be imported in none but Briſh-built ſhips, actually belonging to Briſh ſubjects, and navigated according to law, clearing out from the ports of his Majesty's European dominions, and furniſhed with a licence according to the form hereunto annexed.

WHEREAS it is expedient to regulate, for a limited time, Preamble
the trade between the ports of the United States of America
and his Majesty's ſubjects in the iſland of Newfoundland: may it
therefore pleaſe your Maſteſty that it may be enacted; and he it
enacted by the King's moſt excellent maſteſty, by and with the
advice and conſent of the lords ſpiritual and temporal, and com-
mons, in this preſent parliament aſſembled, and by the author-
ity of the ſame, That, from and after the paſſing of this act,
and during the continuance of the ſame, no goods or commodities
ſhall be imported into the ſaid iſland of Newfoundland
Reſtrictions
on the importation of
goods into
Newfound-
land

dities whatſoever ſhall be imported or brought into any port, harbour, or place, in the iſland of *Newfoundland*, or the adjacent iſlands to his Maſteſty belonging, from any place or country belonging to the United States of *America*, upon any pretence whatſoever, except bread, flour, and live ſtock, under the regulations and regulations herein after mentioned; any law, cuſtom, or uſage, to the contrary notwithstanding.

No bread, flour, or live ſtock, ſhall be imported into the iſland of *Newfoundland*, or the adjacent iſlands to his Maſteſty belonging, except in Britiſh-built ſhips, which ſhall have been actually and bona fide before the 1^{ſt} of January, 1785, and navigated according to law, and which ſhall have been on board of ſome ſhip, or other conveyance, for a period of ſix months previous to the time of their importation, have come out from ſome port in *Great Britain*, or other part of his Maſteſty's dominions in *Europe*, which ports ſhall have been granted by the commiſſioners of his Maſteſty's cuſtoms in *England* or *Scotland*, or the commiſſioners of his Maſteſty's revenue in *Ireland*, or any other perſons who may be duly authorized in that kingdom, reſpectively, in the manner and form herein-after mentioned; which licences ſhall continue and be in force for ſeven calendar months from the day of the date upon which they are reſpectively granted, and no longer.

II. And it is hereby further enacted by the authority aforeſaid, That from and after the paſſing of this act, and during the continuance of the ſame, no bread, flour, or live ſtock, ſhall be brought or imported, from any place or country belonging to the United States of *America*, into any port, harbour, or place in the iſland of *Newfoundland*, or the adjacent iſlands to his Maſteſty belonging, except in Britiſh-built ſhips, which ſhall have been actually and bona fide before the 1^{ſt} of January, 1785, and navigated according to law, and which ſhall have been on board of ſome ſhip, or other conveyance, for a period of ſix months previous to the time of their importation, have come out from ſome port in *Great Britain*, or other part of his Maſteſty's dominions in *Europe*, which ports ſhall have been granted by the commiſſioners of his Maſteſty's cuſtoms in *England* or *Scotland*, or the commiſſioners of his Maſteſty's revenue in *Ireland*, or any other perſons who may be duly authorized in that kingdom, reſpectively, in the manner and form herein-after mentioned; which licences ſhall continue and be in force for ſeven calendar months from the day of the date upon which they are reſpectively granted, and no longer.

Time for granting licences limited.

III. Provided always, and be it enacted, That no ſuch licence ſhall be granted by virtue of this act after the thirtieth day of *June*, one thouſand ſeven hundred and eighty five.

Maſter or owner of ſhip to deliver licence to collector of cuſtoms at port of diſcharge;

IV. And it is hereby further enacted by the authority aforeſaid, That the maſter or perſon having the charge or command of any ſhip or veſſel to whom ſuch licence ſhall be granted ſhall, upon the arrival of the ſaid ſhip or veſſel at the port, harbour, or place in the iſland of *Newfoundland*, or the adjacent iſlands to his Maſteſty belonging, where he ſhall diſcharge ſuch bread, flour, or live ſtock, deliver up the ſaid licence to the collector or other proper officer of the cuſtoms there, having fiſt endorsed upon the back of ſuch licence the marks, numbers, and contents of each package of bread and flour, and the deſcription and tale of each ſort and ſpecies of live cattle, on forfeiture of one hundred pounds: and the collector, or other proper officer of the cuſtoms at *Newfoundland*, is hereby enjoined and required to give a certificate to the maſter or perſon having the charge or command of ſuch ſhip or veſſel, of his having received the ſaid licence ſo endorsed as before directed, and to transmit the ſame to the commiſſioners of his Maſteſty's cuſtoms in *England* or *Scotland*, or to the commiſſioners of his Maſteſty's revenue in *Ireland*, reſpectively, by whom ſuch licence was granted.

who ſhall give a certificate thereof, &c.

V. And it is hereby further enacted by the authority aforeſaid,

said, That if any bread, flour, or live stock, shall be imported or brought from any place or country belonging to the said United States of *America*, into the said island of *Newfoundland*, of the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said United States of *America*, contrary to the true intent and meaning of this act, all such bread, flour, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court or vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officer or officers of the customs who shall seize and prosecute for the same.

Goods imported contrary to this act, to be forfeited.

How to be divided.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-six.

Continuance of this act.

The Form of the Licence directed by this Act.

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [where].

WHEREAS [name of the person], one of his Majesty's subjects residing at [place where], hath given notice to us the commissioners of his Majesty's [customs in Great Britain, or, revenue in Ireland], that he intends to load at [some port of the United States in America], and import into [some part of Newfoundland], in the [ship's name], being a British-built ship, [describing the tonnage, and what sort of vessel], navigated according to law, whereof [master's name] is master, bound to [where]; and it appearing by the register of the said ship the [ship's name], whereof [master's name] is master, that the said ship the [ship's name] was built at [place where], and owned by [owner's name], residing at [place where], all his Majesty's British subjects, and that no foreigner, directly or indirectly, hath any share, part, or interest therein:

Anno viceſimo quinto GEORGE III. c. 2. - 1784.

Now be it known that the ſaid [perſon's name] hath
 licence to lade on board the ſaid ſhip [ſhip's name],
 at and from any port or place belonging to the United States of
 America, bread, flour, and live ſtock, the produce of the ſaid United
 States, and no other article whatſoever, and to carry the ſaid bread,
 flour, and live ſtock, to ſome port or place on the iſland of New-
 foundland, or the adjacent iſlands to his Maſteſty belonging; and on
 the arrival of the ſaid ſhip at any port, harbour, or place of diſcharge
 in Newfoundland, or the adjacent iſlands to his Maſteſty belonging,
 the maſter or perſon having the charge or command of the ſaid ſhip is
 required and enjoined to deliver up the ſaid licence to the collector, or
 other proper officer of his Maſteſty's cuſtoms there, and to indorſe on
 the back thereof, the marks, numbers, and contents of each package
 of bread or flour, and the deſcription and tale of each port and ſpecies
 of live ſtock, on penalty of one hundred pounds; and ſhall thereupon
 receive a certificate thereof from the ſaid collector, or other proper
 officer of the cuſtoms.

This licence to continue in force for calendar months
 from the date hereof.

Signed by us the at the this
 day of one thousand ſeven hundred and

Licence to import bread, flour, and live ſtock, the produce of the
 United States of America, into Newfoundland.

C A P. II.

An act for continuing and granting to his Maſteſty certain duties upon
 malt, mum, cyder, and perry, for the ſervice of the year one thou-
 ſand ſeven hundred and eighty-five.

Malt act of 1 Geo. 3. c. 3. ſect. 1. further continued to June 24, 1786.
 Sect. 2. The following duties to be paid in Scotland for malt, mum,
 cyder, and perry. Malt to pay 3d. per buſhel: mum 10s. per barrel:
 cyder and perry made for ſale, 4s. per hogſhead. Theſe duties to be
 raiſed, &c. by virtue of and by any act in force concerning the duties on
 malt, &c. Sect. 3. 20,000l. to be raiſed in Scotland. In caſe of defi-
 ciency, an additional duty to be laid on malt. Surplus to be applied to
 the fiſheries. This act to relate to the ſame day and time as the act
 1 Geo. 3. did. Malt brought from Scotland by ſea to be entered at the
 port of landing: brought by land, to be entered at Berwick or Carlisle.
 Malt not duly entered and duty paid to be forfeited. Cyder or perry
 for diſtilling not chargeable. Diſtiller to give notice in writing to officer
 when he diſtills cyder or perry. 5l. penalty for neglect. Maltſters,
 for every 20 quarters of grain made into malt for exportation, to be
 allowed 30 quarters, according to an act 1 W. & M. c. 12. On certificate
 of malt being exported, and ſecurity given, allowance to be paid. Penalty
 on reſtoring. Every ſteeping of malt for exportation to be kept ſe-
 parate till meaſured. Maltſters to give notice to officers, &c. Penalty
 on clandestinely opening the locks, &c. of any ſtorehouſe 100l. Malt-
 ſters, on June 24, 1785, to clear out of their ſtorehouſes all malt for
 exportation within 15 months, on pain of forfeiting 50l. All maltſters,
 after June 24, 1785, ſhall clear their ſtorehouſes every fifteen months,
 on penalty of 50l. Clauſes in an act 12 Annæ, ſtat. 1. c. 2. and 6 Geo. 3.

1785.] *Acta vicefimo quinto* GEORGII III. c. 3.

et. ar. recited. 3s. per bushel penalty on all corn steeping or steeped for making malt, which shall be found in the cistern or couch so hard and compact, as it could not be unless the same had been forced together to prevent the rising. 100l. penalty on fraudulently conveying from the cistern, &c. any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. How penalties are to be recovered. Buyers of cyder and perry for their private use not to be charged. Persons selling less than 20 gallons to be deemed retailers. Persons fined for any thing done in pursuance of this act, may plead the general issue, and shall have treble costs. Clauses in an act 6 Geo. 3. c. 14. recited. Where the duty granted by this act on cyder or perry, in custody of a factor, shall be certified to have been charged, the factor shall be discharged thereof. Clause of loan at 4l. 10s. per cent. Tallies of loan to be struck, &c. Orders to be registered and paid in course. No fee for registering, &c. Penalties for undue preference. It shall not be deemed undue preference where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury empowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 4l. 10s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the offices of the tellers of the receipt of exchequer; to be issuable thereout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. Penalty on refusal. Tallies to be levied for bills lent into the exchequer. Interest to be allowed till payment: except whilst the bills are in the hands of receivers, &c. Bills paid to receivers, &c. to be signed and dated. Bills may be re-issued, both for principal and interest. Receivers to keep books. 100l. penalty on receiver neglecting to keep books, &c. Bills filled up by indorsement, or defaced, to be exchanged. Bills not exceeding 5,000l. each, may be made forth at the exchequer. Forging exchequer bills, or indorsement thereon, felony. How the monies are to be applied. Treasury on Sept. 29, 1786, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aids, or out of the sinking fund. Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon exchequer bills. Money, as brought in, to be paid to the paymasters. Bills to be registered in course. When interest to cease. Paymasters liable to the controul of the treasury. Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament, &c. Contractors may lower or raise the interest, with consent of treasury. Contractors how to be paid. No fee to be taken by the officers of the exchequer, &c. No fractions of a penny to be paid for interest. Charges to be paid out of the sinking fund, and to be replaced out of the first supplies. Clause of relief for bills lost or destroyed. Bills discharged to be cancelled. Sinking fund appropriated to discharge national debts incurred before Dec. 25, 1716. Deficiency of the malt tax 23 Geo. 3. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1785.

C A P. III.

An act for the regulation of his Majesty's marine forces while on shore,
— Same as former years.

C A P. IV.

An act for granting an aid to his Maſteſty by a land tax, to be raiſed in Great Britain, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — Four ſhillings in the pound.

VII. And whereas doubts have ariſen as to the qualification by law required of the maſter of his Maſteſty's houſehold, the firſt clerk of the houſhold, the clerk of the kitchen, and ſeveral officers who, in virtue of their offices, have heretofore acted, or may hereafter act, as commiſſioners for putting into execution ſo much of ſeveral acts of parliament, for granting an aid to his Maſteſty by a land tax, as relates to the aſſeſſment on the palaces of Whitehall and Saint James, be it enacted, That no other qualification ſhall be required of any ſuch officers, who ſhall act as commiſſioners by virtue of their offices or places, than the poſſeſſion of ſuch reſpective offices or places; and that no ſuch officer ſhall be ſubject or liable to any penalty inflicted by any ſuch acts, for having heretofore acted without being poſſeſſed of any other qualifications, which might have been required by any ſuch acts reſpectively, than ſuch office or place.

Qualification
required of
the maſter of
the houſe-
hold, &c.

Maſter of the
houſehold,
&c. to be
commiſſion-
ers.

VIII. And be it further enacted, That the maſter of his Maſteſty's houſehold for the time being, the firſt and ſecond clerks of his Maſteſty's houſehold for the time being, ſhall be commiſſioners for putting into execution ſo much of this act as relates to the aſſeſſing, ordering, levying, and collecting of the money thereby limited and appointed to be raiſed in and for the palaces of *Whitehall* and *Saint James*.

Officers in
chancery to
be aſſeſſed in
the rolls li-
berty.

LIV. Provided always, That the great houſtable the maſter of the *Rolls*, the maſters in *Chancery*, fix clerks of the petty-bag, examiners, regiſters, clerks of the intendants, clerks of the *audient* and *Subſana* offices, and all other the officers of the court of Chancery that execute their offices within the liberty of the *Rolls*, ſhall there be aſſeſſed for their reſpective offices, ſalaries, and other profits, and not elsewhere; and that all annuities, ſtipends, and pensions, payable to any officers in reſpect of their offices, ſhall be taxed and aſſeſſed where ſuch officers are rated and aſſeſſed for their offices, and not elsewhere; and that all other pensions, ſtipends, and annuities, in *England*, *Wales*, and *Berwick upon Tweed*, not charged upon lands, ſhall be charged and aſſeſſed in the pariſhes or places where they are payable; and every perſon who is or ſhall be rated, in *England*, *Wales*, or *Berwick upon Tweed*, for or in reſpect of any perſonal eſtate to him or her any ways belonging, ſhall be rated at ſuch place where he or ſhe ſhall be reſident at the time of the execution of this act; and all perſons not being houſholders, nor having a certain place of reſidence, ſhall be taxed at the place where they ſhall be reſident at the time of the execution of this act; and if any perſon, who ought to be taxed in *England*, *Wales*, or *Berwick upon Tweed*, by virtue of this act, for or in reſpect of his perſonal eſtate, ſhall, at the time of his aſſeſſment,

be

Annuities
where to be
rated.

Pensions to be
aſſeſſed where
payable;

perſonal eſ-
tates, where
perſons reſi-
dent, &c.

Perſons not
houſholders,
where reſi-
dent.

Perſons not
reſident, where
they

be out of the realm, ſuch perſon ſhall be rated therefore in ſuch county, city, or place, where he was laſt abiding within this realm. were laſt reſident.

C A P. V.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his preſent Maſteſty, intituled, "An act for preventing certain inſtruments from being required from ſhips belonging to the United States of America;" and to give to his Maſteſty, for a limited time, certain powers for the better carrying on trade and commerce between the ſubjects of his Maſteſty's dominions, and the inhabitants of the ſaid United States;" and for continuing, for a limited time, an act made in the twenty-fourth year of the reign of his preſent Maſteſty, intituled, "An act to extend the powers of an act, made in the twenty-third year of his preſent Maſteſty, for giving his Maſteſty certain powers for the better carrying on trade and commerce between the ſubjects of his Maſteſty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the Britiſh colonies and plantations in America, with reſpect to certain articles therein mentioned. — Continued till April 5, 1786.

C A P. VI.

An act for puniſhing mutiny and deſertion; and for the better payment of the army and their quarters. — Number of forces 18,033, including 2,030 invalids.

VII. And be it further enacted and declared, That in the caſe of any ſoldier tried and convicted of deſertion, whenſoever the court-martial, which ſhall paſs ſentence upon ſuch trial, ſhall not think the offence deſerving of capital puniſhment, ſuch court-martial may, inſtead of awarding a corporal puniſhment, adjuſt the offender, if they ſhall think fit, to ſerve as a ſoldier in any of the corps ſtationed in any of his Maſteſty's dominions beyond the ſea, or in foreign parts, for life, or for a certain term of years, according to the degree of the offence: and if ſuch ſoldier ſhall afterwards (without leave from his Maſteſty, or from the commanding officer of the corps in which he ſhall be appointed to ſerve) return into this realm, or the kingdom of Ireland, before the expiration of the term limited by ſuch ſentence, and ſhall be convicted thereof by a court-martial, he ſhall ſuffer death. Deſerter may be ſentenced to ſerve in any corps abroad for life, or for a term of years; but returning without leave before expiration of ſuch term, he ſhall ſuffer death.

X. Provided alſo, and be it further enacted and declared, That none of the proceedings, of any general or regimental court-martial, nor any entry, or copy thereof, ſhall be charged or chargeable with any ſtamp-duty whatſoever, any thing contained in any former act or acts to the contrary notwithstanding. Proceedings or courts, or entries, or copies thereof, not liable to ſtamp-duties.

LXVI. And be it enacted by the authority aforeſaid, That from the paſſing of this act, no ſoldier, being arreſted or confined for debt, in any priſon, gaol, or other place, ſhall be entitled to any part of his pay from the day of ſuch arreſt or confinement, until the day of his return to the regiment, troop, or company, to which he ſhall belong. Soldiers, while confined for debt, not to receive pay.

Where any corps beyond seas shall be relieved in order to return home, such of the men as shall chuse may be enlisted and incorporated with those appointed to remain; the occasion of quitting such former corps to be recited in the enlisting certificate.

In what cases this act shall extend to Jersey, Guernsey, &c.

This act not to extend to the militia farther than is directed by the militia laws:

exception.

As often as it shall be necessary, officers of the land and marine

LXXVII. And be it further enacted, That when and as often as any regiment or company shall be relieved at any station or place beyond the seas, in order to their return to *Great Britain or Ireland*, it shall and may be lawful for any officer or officers, thereunto authorized by the commander in chief at such station or place respectively, to enlist as many of the soldiers belonging to such regiment or company, returning to *Great Britain or Ireland*, as shall be willing, and who shall appear to be fit for service, and to incorporate them in any regiment or company which shall be appointed to remain; and every soldier so enlisted shall be, and is hereby deemed to be, discharged from the regiment or company in which he before served; and the occasion of his quitting such former corps shall be recited in the enlisting certificate; a duplicate, or an attested copy whereof, shall be delivered to such soldier, to protect him from being any-ways molested upon suspicion of his having deserted.

LXXVIII. And be it further enacted by the authority aforesaid, That this act shall be construed to extend to the islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the islands thereto belonging, as to the clauses therein for mustering and paying, and to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny or desertion, or any other of the offences which are by this act declared to be punishable by the sentence of a general court-martial; and also to the clauses which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive, any arms, clothes, caps, or other furniture, belonging to the king, from any soldier or deserter, or who shall cause the colour of such clothes to be changed.

LXXIX. Provided always, That nothing in this act contained shall extend, or be any-ways construed to extend, to concern any of the militia forces of this kingdom, or in *Jersey, Guernsey, Alderney, Sark, or Man*, or the islands thereto belonging, excepting only in such case wherein, by any act for regulating the militia forces in that part of *Great Britain* called *England*, the provisions contained in this act, or in any act for punishing mutiny and desertion, which shall be then in force, are extended and meant to take place in respect of the officers of the militia, and private militia men, within that part of *Great Britain* aforesaid; and also except so far as relates to the mustering of the militia forces of this kingdom, according to the provisions herein-after mentioned.

LXXX. And whereas it may be expedient in certain cases, and particularly in such matters wherein any of his Majesty's marine forces may be interested, that officers of the marines shall be associated with officers of the land forces, for the purpose of holding courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for officers of the land and marine forces to sit in conjunction upon courts-martial, and to proceed in the trial of any officer or soldier of the land

land forces, in like manner, to all intents and purposes, as if such courts-martial were composed of officers of the land forces only; and the officers of the land and marine forces are, in such cases, to take rank according to the seniority of their commissions in either service.

LXXXI. And, for the better ascertaining the number of effective men of the regiments of militia, when embodied and in actual service, be it enacted by the authority aforesaid, That, from and after the passing of this act, every regiment or corps of militia and fencible men, when embodied and in actual service, shall be regularly mustered by commissaries appointed for that purpose, in the same manner, and as often as the army is usually mustered; and the magistrates shall have the same powers and authorities, and both officers and men shall be subject to the same regulations, restrictions, and penalties, as are imposed on the officers and soldiers of the army by virtue of this act.

LXXXII. And whereas the time of service in the militia is limited to three years, be it enacted by the authority aforesaid, That the officer commanding each regiment or corps of militia, or fencible men, shall certify, on the back of the muster-roll, the names of those men who are within six months of the time of the expiration of their service, and also the number of men which have been inrolled since the last muster, distinguishing the ballotted men from the substitutes; and every man so inrolled shall be intitled to receive his pay from the time of his inrollment.

LXXXIII. And be it further enacted by the authority aforesaid, That this act shall be and continue in force, within the realm of Great Britain, from the twenty fourth day of March, in the year of our Lord one thousand seven hundred and eighty-five, until the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and eighty six; and shall be and continue in force, in Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to such parts thereof as relate to those places respectively, from the thirtieth day of April, in the year of our Lord one thousand seven hundred and eighty-five, until the first day of May, in the year of our Lord one thousand seven hundred and eighty-six; and shall be and continue in force, within the garrison of Gibraltar, and in his Majesty's other dominions beyond the seas, as to such parts thereof as relate to those places respectively, from the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and eighty-six, until the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and eighty-seven.

C A P. VII.

An act for the more easy and speedy recovery of small debts, within the town and port of Faversham, the hundreds of Faversham and Boughton, and the several parishes of Ospringe, Seafalter, and Whitstable, in the county of Kent.

A court instituted, to be called, The Court of Requests in the Town and Port of Faversham; to be held weekly, before three or more commissioners, to recover debts above 2s. and under 10s. (except for rent on lease, or where title may come in question, or on real contract, or on will, or matrimonial contract, or other ecclesiastical matters, or wagers, or won at play, or on penal statute, or by law, or on promise, made above six years before summons).

C A P. VIII.

An act for defraying the charge of the militia in that part of Great Britain called Flanders for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-five. — Same as former years.

C A P. IX.

An act for paving, cleansing, and lighting The High Street, and other places within the town of Huntington, and for removing and preventing nuisances and annoyances therein. — May 18th 1681. by mortgage of rates or on annuities.

C A P. X.

An act for building a new gaol, a penitentiary house, and certain new houses of correction, for the county of Gloucester, and for regulating the same,

Preamble.

19 Geo. 3.
c. 74. sect. 3.
repealed.

WHEREAS the present gaol and houses of correction for the county of Gloucester are very ill constructed, and neither sufficiently spacious, nor in other respects well adapted for the reception of prisoners: and whereas by an act made in the ninth year of his present Majesty, (intituled, An act to explain and amend the laws relating to the transportation or other punishment of certain offenders), His Majesty is enabled to appoint commissioners for building two penitentiary houses, for confining and employing in hard labour such persons convicted of transportable crimes within England or Wales, as are therein mentioned, with a limitation of the number of convicts to be sent to the said two penitentiary houses from the respective circuits and places within England and Wales, as therein directed and described; and in the mean time, till certificate shall be made, in manner therein mentioned, that such penitentiary houses are fitted and completed for the reception of offenders, the court in which any such offenders as are therein before described shall be convicted, or any other court for the same place, with like authority, is enabled to order such offenders to be kept to hard labour in the respective houses of correction, or other proper places, within each county, which, during the said time, are to be deemed penitentiary houses in manner therein mentioned; and the justices of the peace for every county, at their several quarter sessions to be holden next after the feast of Saint Thomas the Martyr, in the year one thousand seven hundred and seventy-nine, or at any adjournment of the same sessions, are thereby required to give directions for the temporary reception, safe custody, employment, and due regulation of such offenders, the expenses of which, being previously examined and allowed by the justices at their quarter

quarter sessions, are directed to be paid by the treasurer of each county: and whereas two penitentiary houses for England and Wales have not been erected in pursuance of the said recited act, nor hath any house of correction been fitted and prepared as a temporary penitentiary house for the county of Gloucester: and whereas it may be of great publick utility, that a house of correction to be used as a penitentiary house should be built for the particular purpose of confining such transgressors and other convicts within the same county, as well in respect to the uncertainty when the two general penitentiary houses for England and Wales may be built, as in respect of the small proportion of offenders which will be receivable therein from the circuit to which the county of Gloucester belongs; and it is absolutely necessary that a new county gaol, and several houses of correction, should be built, for the use of the said county: may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons who are now, or shall hereafter for the time Commission- being acting justices of the peace for the county of Gloucester, ers. shall be, and they are hereby constituted commissioners for building a new gaol and a penitentiary house, and certain new houses of correction, for the county of Gloucester, and for executing such of the powers of this act as are hereinafter entrusted to them the said commissioners.

II. And, in order to continue a sufficient number of acting commissioners for executing the powers of this act, be it further enacted, That if any person, hereby constituted a commissioner, shall neglect to act as such for one year after the passing of this act, or after his becoming an acting justice of the peace for the county of Gloucester, or if, by writing under his hand, to be delivered to the chairman of any meeting of the said commissioners, he shall signify his intention not to act as a commissioner, every such person shall forfeit the right of being a commissioner, hereby given to acting justice of the peace for the said county, and shall be incapacitated from acting as a commissioner, unless he shall be afterwards elected a commissioner under the power of election herein given; and if any person, having begun to act as a commissioner, shall, in manner aforesaid, signify his intention no longer to act as such, or shall not be present at any meeting, and sign his name in the book of proceedings as a commissioner, for two years successively (which last-mentioned omission shall in all cases be considered as a neglecting to act as such), in every such case it shall be lawful for the remaining commissioners, or the greater number assembled at any meeting, at which not less than seven shall be present, to elect one other person, who (if not an acting justice of the peace for the said county) shall be otherwise qualified as herein-after mentioned, in the room of each commissioner so declining or neglecting to act; but notice of the intention to proceed to such election shall be published in some publick newspaper

For electing new commissioners.

newspaper circulating in the county of *Gloucester*, at least eight days before the meeting for fuch purpose.

Qualification
of commis-
sioners.

III. Provided always, and be it further enacted, That no person, except fuch as fhall be commissioners by virtue of their office as acting justices of the peace, fhall be qualified to act as a commissioner under this act, who fhall not have, in law or equity, to and for his own ufe and benefit, in poffeffion, a freehold, copyhold, or customary eftate, for life, or for fome greater eftate, or an eftate for fome term of years, determinable upon one or more life or lives, or for a term certain, originally created for twenty-one years or more, in lands, tenements, or hereditaments, lying or being in the county of *Gloucester*, of the clear yearly value of two hundred and fifty pounds, over and above what will fatisfy or difcharge all incumbrances affecting the fame, and over and above all rents and charges payable out of or in refpect of the fame; or who fhall not be feifed of or entitled unto, in law or equity, to and for his own ufe and benefit, the immediate reversion or remainder of and in lands, tenements, or hereditaments, lying and being as aforefaid, which are leafed upon conventionary rents for one or more life or lives, or for fome term of years determinable upon the death of one or more person or perfons, and which are of the clear yearly value of four hundred pounds; and no person fhall be capable of acting as a commissioner under this act in any cafe in which he fhall be interefted, or in any manner, whilst he fhall under this act hold any office, except that of a commissioner, or whilst in his private capacity he fhall be concerned in any contract or agreement relative to the execution of this act, except lending money or buying annuities on the credit and for the purpofes thereof.

Penalty on
acting, if not
qualified.

IV. And be it further enacted, That if any person fhall act as a commissioner under this act, not having the requifite qualification of eftate or office, or being otherwife hereby difqualified from acting, he fhall, for every fuch offence, forfeit one hundred pounds to the treafurer of the faid commissioners for the time being, to be applied for the purpofes of this act, and to be recovered, with full costs of fuit, by action of debt, in any of his Majesty's courts of record at *Wefminfter*; and in every action for recovery of fuch penalty, the proof of qualification to act as a commissioner fhall lie on the person againft whom the fame is brought.

Commission-
ers meetings.

V. And be it further enacted, That the faid commissioners, or any five or more of them, fhall meet for executing this act, for the firft time, at the grand jury room at *Gloucester*, on the fifth day of *April*, one thoufand feven hundred and eighty-five, or as foon after as conveniently may be, of which firft meeting at leaft eight days previous notice fhall be given, by advertisement in fome publick newspaper circulating as aforefaid, figned by two acting justices of the peace for the faid county of *Gloucester*; and the faid commissioners fhall then, and at every fubfequent meeting, adjourn themfelves from time to time, and place

place to place, as they, or any five or more of them, present at any such meeting, shall think convenient, but no such adjournment shall be made for a longer time than seven calendar months; and if five commissioners shall not attend at the time and place appointed for any such meeting, then the commissioners or commissioner present may make such adjournment; or if no such commissioner shall be present, or if at any meeting it shall be neglected to make an adjournment, then any three or more commissioners may revive and continue the meetings of the said commissioners, by calling one for that purpose, and causing notice to be given of it in some publick newspaper circulating as aforesaid, at least eight days before the day of meeting; and every such meeting, so to be called for the purpose of reviving and continuing the said meetings, shall be adjourned in the like manner; and all such adjournments, and the revivals and continuations of the said meetings, shall be entered by the clerk to the said commissioners in a book hereinafter directed to be kept; and the said commissioners, or any five or more of them, shall have authority, as often as they shall think fit, to call an extraordinary meeting, by a previous notice of at least eight days, to be advertised in such newspaper as aforesaid, specifying the time, place, and purpose of such meeting; and the said commissioners shall at all their meetings pay their own expences; and all orders of the commissioners in executing the powers of this act shall be made at meetings to be held as is before directed; and at every such meeting one of the commissioners present shall be appointed chairman; and all questions and matters shall be determined by a majority of votes of the commissioners present, and the chairman shall not only have a single vote, but, in case of equality of votes, shall have the decisive or casting vote; and all such commissioners as are acting justices of the peace may act as such in matters arising on this act, notwithstanding their being commissioners, except only in cases in which they shall be personally interested; and all orders and proceedings at every meeting shall be entered in a book, to be kept for that purpose by the clerk to the said commissioners, and shall be signed by the chairman of the meeting; and such entries shall be deemed original orders and proceedings, and may be read in evidence in all courts whatsoever; and all such books of proceedings shall be lodged with the clerk to the said commissioners for the time being, and shall and may be perused and inspected, at all reasonable times, by any person assessed to the poor's rate within the county of *Gloucester*, on payment to such clerk of one shilling for each time of inspection, and one shilling more for every hour during which such inspection shall continue after the first hour; and when the commission appointed by this act shall cease, in consequence of the final execution of all the powers hereby intrusted to the said commissioners, such books of proceedings shall be deposited with the clerk of the peace for the said county of *Gloucester*, and be

Commissioners being justices, may act as such.

Proceedings to be entered in books.

Disposal of such books.

by

by him kept and preſerved amongſt the records of the ſeſſion of the peace for the ſaid county.

Sub-committees.

VI. And be it further enacted, That the ſaid commiſſioners, or any five or more of them, may, if they think fit, nominate, and appoint one or more ſub-committee or ſub-committees, and every ſub-committee ſo appointed ſhall ſuperintend, regulate, and controul ſuch artificers, officers, and workmen, as ſhall be employed by the ſaid commiſſioners, and ſhall ſee to the due performance of ſuch contracts and agreements as may be entered into for the purpoſe of carrying this act into execution; and all orders and inſtructions ſigned by the majority of any ſuch ſub-committee, provided they do not exceed the limits of the orders of the commiſſioners at large, ſhall be binding on ſuch artificers, officers, and workmen.

Commiſſioners may appoint officers,

VII. And be it further enacted, That the ſaid commiſſioners ſhall and may appoint a treaſurer, a clerk, a ſurveyor or ſurveyors, and ſuch other officers, for executing the powers of this act, and take ſuch ſecurity from them, as they the ſaid commiſſioners ſhall think neceſſary, and ſhall, at their pleaſure, remove any ſuch officer or officers, and appoint others in the room of ſuch as ſhall die or be ſo removed, and out of the monies ariſing by this act pay ſuch ſalaries and allowances as they ſhall think proper to their officers, and all others employed under their authority; and all ſuch clerks, treaſurers, ſurveyors, and all other officers, who may at any time reſign or be removed, and the reſpective executors and administrators of any who may die, ſhall, within three calendar months after notice given in writing, produce and deliver up to ſuch commiſſioners, or any one or more of them, all books, accounts, papers, or writings whatſoever, relative to the execution of ſuch reſpective offices, which ſhall be in their cuſtody or power; and every ſuch officer or perſon as aforeſaid, neglecting or reſuſing to deliver up ſuch books, accounts, papers, or writings, ſhall, for every ſuch neglect, forfeit any ſum not exceeding twenty pounds; and if any ſurveyor, appointed as hereby directed, ſhall have any part, ſhare, or intereſt, directly or indirectly, in any contract or bargain for work or materials to be made, done, or provided, on account of any works under his inſpection and management, or ſhall on his own account let to hire any team, or ſell or diſpoſe of any timber, ſtone, or other materials, to be uſed or employed in performing or carrying on any ſuch works, he ſhall forfeit the ſum of two hundred pounds to the treaſurer to the ſaid commiſſioners for the time being, to be recovered and applied in the manner and for the purpoſes aforeſaid: provided always, That no treaſurer ſhall at any time be appointed or removed, unleſs ſeven commiſſioners at the leaſt be preſent, nor ſhall any clerk, ſurveyor, or other officer, be ſo appointed or removed, unleſs five commiſſioners at the leaſt be preſent at the time of ſuch appointment or removal; but publick notice, of eight days at the leaſt, ſhall be given, in ſome newspaper

and allow them ſalaries.

circu-

circulating as aforesaid, of the intention to proceed to the appointment of any treasurer or clerk; and no order of the said commissioners, for the removal of any such treasurer or clerk, shall have any effect, until it shall have been confirmed at a subsequent meeting of a like number of seven, or five at least, of the said commissioners, as the case may require, of which subsequent meeting a like publick notice, of eight days at the least, shall be given as aforesaid.

VIII. And be it further enacted, That the said commissioners may sue or be sued in the name of their clerk, and that no action that may be brought or commenced by or against the said commissioners, or any of them, by virtue of this act, in the name of their clerk, shall abate or be discontinued by the death or removal of such clerk, or by the act of such clerk, without the consent of the said commissioners, or any five or more of them; but the clerk to the said commissioners for the time being shall always be deemed plaintiff or defendant in such action, as the case shall be.

Commissioners may sue and be sued in the name of their clerk.

IX. And be it further enacted, That the said commissioners, or any seven or more of them, shall, with all convenient speed, after the passing of this act, fix upon such piece or pieces of ground, within the city and county of Gloucester, or one of them, for building thereon a new gaol, a penitentiary house, and a new house of correction, and also such pieces of ground, within the county of Gloucester, for building thereon four other new houses of correction, as shall appear most commodiously situate: and in so fixing, shall more particularly have regard to the airiness, dryness, and healthiness of the situation, the accommodation of water, the avoiding all ill smells, and being over-looked, and for that purpose to the keeping at a proper distance from the centre of any populous town, and yet being near enough to some town for the purpose of accommodation and security, and also to the placing such new gaol and penitentiary house, and one of the said five houses of correction, as near to the county hall in the city of Gloucester as may be, consistently with the aforesaid directions, and to having the said four other houses of correction so distributed throughout the county of Gloucester, as shall appear to them most likely to correspond with the general convenience of the said county.

For six months ground for building a gaol and houses of correction.

X. And, in order to prevent any precipitancy in fixing upon such pieces of ground for the said gaol, penitentiary house, and houses of correction, be it further enacted,

That no order of the said commissioners in that instance shall have any force till it shall have been confirmed by the commissioners, or any seven or more of them, present at a second meeting, to be holden at least fourteen days from the day of making such order, of which second meeting, and the purpose thereof, eight days notice at least shall be given by the clerk of the said commissioners, by advertisement in such newspaper as aforesaid: provided always, That nothing herein contained shall any-ways affect or prejudice the

Such order not valid till confirmed at future meeting.

Reserving the rights of the borough of Tewksbury.

rights and privileges of the bailiffs, burgeſſes, and community of the borough of *Trukſbury*, within the ſaid county.

Commissioners to purchase the premises.

XI. And be it further enacted, That when and as ſoon as ſuch pieces of ground for ſuch new gaol, penitentiary houſe, and new houſes of correction, ſhall be ſo fixed upon, the ſaid commissioners, or any five or more of them, are hereby authorized to contract for the abſolute purchaſe in fee ſimple of the ſaid pieces of ground reſpectively, together with any houſes or buildings thereon, or that ſhall be ſtanding within fifteen yards of the intended boundary wall, for the purpoſe of erecting the ſaid new gaol, penitentiary houſe, and new houſes of correction, and for obtaining a clear ſpace of ground ſurrounding the ſame, in manner, and for the purpoſes herein-after directed; and the pieces of ground, and houſes or buildings, ſo to be purchaſed, ſhall be conveyed to the cuſtos rotulorum of the ſaid county of *Glouceſter* for the time being, and his ſucceſſors, ſuch cuſtos rotulorum being hereby conſtituted a corporation ſole, in order for him and his ſucceſſors to hold the ſaid pieces of ground, and the intended new erections and buildings thereon, in perpetual ſucceſſion, for the purpoſes of this act; and any ſuch lands, houſes, or buildings, as may be ſituate within the city of *Glouceſter*, which ſhall be ſo purchaſed and conveyed as aforeſaid, and which ſhall be enclosed within the boundary wall of ſuch new gaol, penitentiary houſe, and houſe of correction adjoining thereto, ſhall be deemed and taken to be part of the county of *Glouceſter*.

All perſons enabled to ſell and convey.

XII. And be it further enacted, That it ſhall be lawful for the King's moſt excellent majeſty, his heirs and ſucceſſors; and for all bodies corporate, and all ſeoffees in truſt, executors, administrators, huſbands, guardians, committees, or other truſtees whatſoever, for and on the behalf of themſelves, their heirs and ſucceſſors, infants, iſſue unborn, lunaticks, ideots, females covert, and ceſtuique truſts, and for all other perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any lands, tenements, or hereditaments, which ſhall be fixed upon as aforeſaid, to contract and agree with the ſaid commissioners, or any five or more of them, for the ſale thereof, or for their intereſt therein, and to convey the ſame unto the cuſtos rotulorum of the ſaid county of *Glouceſter* for the time being, and his ſucceſſors, as is herein before directed; and ſuch contracts, agreements, and ſales, ſhall be valid to all intents and purpoſes, any law, ſtatute, ſettlement, or other matter or thing whatſoever, to the contrary thereof in anywiſe notwithstanding, and all ſuch perſons are hereby indemnified for making the ſame.

If parties do not agree, the buſineſs referred to a jury.

XIII. And be it further enacted, That if any ſuch bodies corporate, truſtee or truſtees, or other perſon or perſons intereſted in any ſuch houſes, buildings, lands, tenements, or hereditaments, upon a notice of fourteen days from the ſaid commissioners, or any five or more of them, given or left in writing

writing at the dwelling house of the chief officer belonging to any such body corporate, or of any such person or persons as aforesaid, or at the house of the tenant in possession, shall not agree with the said commissioners, or any five or more of them, for the sale of any such lands, tenements, or hereditaments, or any part thereof, or for their interest therein, or if, by reason of absence or incapacity, they shall be prevented from treating for such sale, then, and in every such case, the justices of the peace for the county of Gloucester, at their general or quarter sessions, or at any adjournment of the same, may and shall, and they are hereby impowered and required, to cause the same to be inquired into and settled by a jury, in the same manner, and under the same powers, regulations, restrictions, penalties, and determinations, as in and by an act of the twenty-fourth year of his present Majesty's reign, (intituled, *An act to explain and amend an act, made in the eleventh and twelfth years of the reign of King William the Third, intituled, An act to enable justices of the peace to build and repair gaols in their respective counties; and for other purposes therein mentioned*); are prescribed, given, and directed, for ascertaining the value of houses, buildings, lands, tenements, hereditaments, easements, or privileges, which should be deemed necessary for the purposes of building or enlarging any gaol, and other the purposes of that act.

XIV. *And whereas Gloucester castle is the present gaol for the county of Gloucester, and the site thereof, and part of the land belonging thereto, may be deemed an eligible situation for the said new gaol, and also for such penitentiary house, and one of such new houses of correction as aforesaid: and whereas his Majesty, in right of his crown, is seized of the fee-simple and inheritance of the said castle, and the lands thereunto belonging; and Benjamin Hyett esquire, by virtue of a grant of the office of constable of the castle of Gloucester, (made by his present Majesty to Nicholas Hyett, for three lives), hath, in right of his office, possession of the said castle, and lands thereunto belonging, except the part lying within the high wall inclosing the court yard belonging to the said castle, which said part is, by a covenant in the grant, directed to be demised by lease, to be renewed from time to time, for certain considerations, to certain trustees, in trust for the said county; and which part has been, for a long time past, and is now used for the county gaol: be it therefore enacted, That, on application of the said commissioners, or any five or more of them, to his Majesty, or his heirs and successors, for a grant of the fee-simple of such part of the castle, and so much of the lands and buildings belonging thereto, as may be thought necessary for the purposes of building the said gaol, penitentiary house, and one of the said houses of correction, with the courts and airing grounds suitable thereto, it shall be lawful for his said Majesty, his heirs and successors, to make a grant accordingly to the custos rotulorum of the said county for the time being, and his successors, as a corporation in perpetual succession, in trust for the purposes of this act; and after such grant shall be made, the estate and interest of and in the said part of the castle and lands, except the part now used for a gaol, shall be deemed to be the fee-simple of the castle and present gaol is in his Majesty.*

Benjamin Hyett esquire, hath a grant of the office of constable, and possession of the castle and lands, except the part now used for a gaol.

His Majesty may grant his right.

Mr. Hyett's grant interest to be purchased.

the said castle, and lands and buildings, as aforesaid, now in the said *Benjamin Hyett*, in right of his said office, shall be purchased by the said commissioners, or any five or more of them, under the powers herein-before given to them; and such estate or interest, as is so subsisting in the aforesaid trustees for the use of the said county, shall, from the time of completing such purchase from the said *Benjamin Hyett*, absolutely cease and determine.

How land to be purchased shall be taxed in future.

XV. And be it further enacted, That in all future rates, taxes, and levies, to be made for any parish or place in the county of *Gloucester*, within which any land or ground to be purchased for the purposes of this act shall be situate, such land or ground, with any building to be erected thereon, shall not be assessed to any such rates, taxes, and levies, at an higher value or more improved rent than the same land or ground was at the time of such purchase; nor shall any building or buildings, which under this act shall be erected on such land, be assessed to any house or window tax; any act or acts of parliament to the contrary notwithstanding.

Power to get materials for building.

XVI. And be it further enacted, That the said commissioners, or any five or more of them, shall and may, and they are hereby authorised to empower their agents or workmen to dig, take, and carry away, any soil, clay, sand, gravel, or stone, and to manufacture the same for the purpose of building, carrying on, finishing, and completing, all or any of the gaols, houses of correction, or other buildings, hereby directed to be built, out of, upon, or from any common or waste land, river, or brook, without paying any thing for the same, they causing all pits or quarries made by such digging and taking to be filled up, or railed and fenced, so as not to be dangerous to passengers or cattle; or, where there is not sufficient of such materials to be procured from any common or waste land, river, or brook, contiguous to any building carrying on under this act, the said commissioners, or any five or more of them, are in like manner empowered to authorise their agents and workmen to search for, dig, take, manufacture, and carry away, any such materials as aforesaid, in, upon, or out of, from, and over the lands of any person or persons (not being ground built on, or a yard, garden, or park, or land improved as pleasure ground, previous to the time of passing this act), paying or tendering satisfaction for the same, as herein-after directed; and if any person whatsoever, not hereby authorised, shall take away any materials so dug or got in any lands, waste grounds, or rivers, or shall dig or take away any materials out of any pit or quarry made or opened for the above purpose, before the said agents or workmen shall have discontinued working therein for the space of twenty-one days (except the owner or occupier of any private ground, or persons authorised by such owner or occupier, to get materials therein for his own private use only, and not for sale), every person so offending shall forfeit, for every such offence, the sum of forty shillings.

XVII. *And, inasmuch as it is essential to the healthiness and convenience of the said intended prisons, that they should be constantly and uninterruptedly supplied with a current of fresh water, be it therefore further enacted, That it shall and may be lawful to* For obtaining a supply of fresh water.
and for the said commissioners, or any five or more of them, their agents and workmen, without any hindrance or interruption, to enter upon any lands adjoining or contiguous to any such intended gaol, penitentiary house, or house of correction, and there to search for any spring or stream of water, and to make any cut, channel, drain, or watercourse, and dig, fix, or build any reservoir or other works, as may appear necessary for conducting any such spring or current of water into, and effectually draining or discharging the same out of, any such new gaol, penitentiary house, or house of correction; and also to and for all other agents and workmen, being hereafter duly authorised to repair the said gaol, penitentiary house, or houses of correction, in like manner, from time to time, and as often as there shall be occasion, to enter into and upon any such lands or grounds, for the purpose of cleansing, scouring, repairing, or amending such cut, channel, drain, watercourse, reservoir, or other works; and all and singular the cuts, channels, drains, watercourses, reservoirs, or other works, so to be made, shall be vested in the custos rotulorum of the county of Gloucester for the time being, and his successors, as a corporation sole, in trust for the purposes of this act, and shall be part of the said county of Gloucester: provided always, That no house used for habitation shall be deprived of the use of any spring or current of water from which it has usually been supplied, nor shall any field, having a watering place, be deprived thereof; and any person who shall wilfully close up, divert, or injure any such cut, channel, drain, watercourse, reservoir, or other works, or disturb the water conveyed therein, shall forfeit a sum not exceeding ten pounds, nor less than forty shillings.

XVIII. *And be it further enacted, That in respect of all damages that may accrue to any owners or occupiers of lands or grounds, by getting materials as aforesaid, or by carrying water on or over any such lands, or by digging or making any watercourse, reservoir, drain, or other works, for conducting water as aforesaid, and also in respect of all and every other damage or damages arising by reason or means of the execution of any of the powers herein contained, and which is or are not herein specially provided for, the said commissioners, or any five or more of them, shall cause a reasonable satisfaction for the same to be made, from time to time, within three calendar months after such damage or damages shall happen, on application being made, by the respective land-owners, or other persons aggrieved, for that purpose; and in case the said commissioners, or their agents, and the said land-owners, or other persons aggrieved, cannot agree upon such satisfaction, or the said land-owners, or other persons aggrieved, shall refuse to treat, or by* Recompence for damage to land in getting water.
reason

reaſon of abſence ſhall be prevented from treating, or through diſability, nonage, covverture, or other impediment, cannot treat for themſelves, or make ſuch agreement as ſhall become neceſſary, then the ſaid ſatisfaction ſhall be determined by the juſtices of the peace for the county of *Glouceſter*, at their general or quarter ſeſſions, on eight days notice of ſuch appeal or application being given, by the party appealing, to the clerk to the ſaid commiſſioners; and the juſtices as aforeſaid are hereby authorized to hear and examine witneſſes on oath or affirmation, and to order the ſatisfaction ſo determined to be paid to the party or parties aggrieved, by the treaſurer to the ſaid commiſſioners, and ſuch determination of the juſtices ſhall be final and concluſive to all parties; and in caſe ſuch treaſurer ſhall neglect, for twenty one days next after ſuch order, to pay the ſatisfaction ſo determined, the party or parties aggrieved ſhall and may recover the amount thereof, by action of debt, againſt the ſaid treaſurer for the time being, in any of his Maſteſty's courts of record at *W'eſtmiſter*.

Foot ways on
the outſide of
boundary
walls.

XIX. And be it enacted, That a ſpace of five feet on the outſide of the boundary wall of every priſon to be built under this act, ſhall be conſidered as a publick foot way for ever; and all roads and ways leading to or ſurrounding the ſaid gaol, penitentiary houſe, and houſes of correction, ſhall be conſidered as publick highways, and ſhall from time to time be repaired as ſuch.

For ſecuring
a free circula-
tion of air.

XX. And, for the more effectually ſecuring a free circulation of pure and wholeſome air, and thereby preventing the gaol fever, and other malignant diſeaſes, be it further enacted, That, from and after the time that any ground ſhall be determined on and ſet out for any gaol, penitentiary houſe, or houſes of correction, hereby directed to be built, no perſon ſhall erect any houſe or building, put, or pile, or ſet up any pole, timber, earth, dung, hay, ſtraw, wood, rubbiſh, or other thing (otherwiſe than for a fence, which ſhall not exceed five feet in height), or keep any ſwine, nearer to the boundary wall of ſuch gaol, penitentiary houſe, or houſe of correction, than fifteen yards; and every perſon offending in any ſuch caſe, and continuing ſuch offence for the ſpace of ten days after notice to diſcontinue the ſame, or to remove the cauſe thereof, ſhall forfeit a ſum not exceeding ten pounds, nor leſs than forty ſhillings; and the cauſe of ſuch offence ſhall be removed by the order of any two juſtices of the peace for the county of *Glouceſter*, and the offender ſhall forfeit and pay, over and above the ſaid penalty hereby directed, the charges and expences of ſuch removal; and if any tree ſhall at any time be growing, ſtanding, or extending within ſuch diſtance, the ſame ſhall be cut down by the occupier or occupiers of the land whereon the ſame ſhall be, on notice given to him or them by the clerk of the peace for the county of *Glouceſter*; and in caſe ſuch tree ſhall not be cut down within ten days after ſuch notice, the juſtices of the peace
for

for the faid county, at their general or quarter feflions, may order fuch tree to be cut down and fold, for the purpofes of this aft.

XXI. And be it further enacted, That the faid commiffion-
ers, or any five or more of them, fhall and may, and they are
hereby required, with all convenient fpeed, after purchafing
fuch pieces of land, and houfes or buildings as aforefaid, to
caufe to be built and erected, on one of the faid pieces of land,
a new gaol, with a penitentiary houfe, for the reception of fuch
convicts and offenders as are herein-after defcribed, and alfo
one of the faid new houfes of correction, fo that the fame new
gaol, penitentiary houfe, and houfe of correction, may be con-
tiguous to each other, and be furrounded by an outside wall
detached therefrom; and on the remaining pieces of land fo
purchafed as aforefaid, four other new houfes of correction;
and alfo to caufe the faid new gaol, penitentiary houfe, and
houfes of correction, to be fitted up and furnifhed in a complete
and effectual manner for the reception of prifoners, as to them
the faid commiffioners, or any five or more of them, fhall feem
befl adapted to anfwer the purpofes of this aft, according to the
feveral ufes for which the fame are hereby refpectively appoint-
ed; for doing of all which (fubjeft to the direftions herein-after
particularly given) the faid commiffioners, or any five or more
of them, are hereby authorifed to make fuch contracts, and to
employ fuch artificers, workmen, labourers, and others, and
to do all fuch other things as fhall in their difcretion appear
requifite in the premifes, and particularly to pull down the
houfes or buildings fo purchafed as aforefaid, and fell or difpofe
of the materials thereof, as fhall be moft advantageous for the
purpofes of this aft.

For building
a new gaol,
penitentiary
houfe, and
other houfes
of correction.

XXII. And be it further enacted, That in fettling and ad-
jufting the plan for the building fuch new gaol, and the yards,
courts, and outlets thereof, the commiffioners are hereby re-
quired to have particular regard to the following provifions;
(that is to fay), That the wards and apartments of the faid
gaol be fo contructed as to allow of a feparation, both by night
and day, of male from female prifoners, and of debtors and
perfon in cuftody for want of fureties, or on exchequer procefs,
or for fines, contempts, or pecuniary penalties, where there
can be no corporal punifhment, from perfons in cuftody for
felonies or other crimes; that there be a convenient number of
feparate and diftinct night cells for felons; and apartments
adapted to folitude, and a greater degree of confinement, for the
temporary reception of refractory prifoners; and a feparate place
of confinement for fuch prifoners as are intended to be ex-
amined as witneffes on behalf of any profecution of any indict-
ment for felony; and alfo a plain and decent room as a chapel
for divine fervice; and two or more apartments as an infirmary
for fick prifoners, in conformity to the ftatute of the fourteenth
year of his prefent Majefty, (intituled, *An aft for preferving the
health of prifoners in gaol, and preventing the gaol diftemper*); to-
gether

For regulat-
ing the plan
for building
and adjufting
the feveral
wards in the
new gaol.

gether with ſuch baths as are required by the ſaid act; that there be alſo provided convenient apartments or places for the uſe of ſuch priſoners as ſhall be directed, or may be willing to work for their maintenance whilſt in cuſtody; and further, that ſufficient offices and apartments be ſet apart for the occupation of the gaoler, his family, and aſſiſtants; and proper and diſtinct airing grounds for the uſe of each claſs of priſoners: and, in order as far as may be to prevent the introduction of infectious diſeaſe, that there be provided a lazarette, or ward with ſeparate cells, for the immediate reception of priſoners on their commitment, previously to examination by the ſurgeon or apotheary; and in or near ſuch ward provision ſhall be made for waſhing ſuch priſoners, and for purifying their cloaths.

Directions for
conſtructing
the houſes of
correction.

22 Geo. 3.
c. 64.

24 Geo. 3.
c. 55.

XXIII. And be it further enacted, That in the conſtruction of the ſaid five new houſes of correction, the ſaid commiſſioners ſhall obſerve the ſeveral directions preſcribed, as well by an act of the twenty-second year of the reign of his preſent Maſteſty, (intituled, *An act for the amending and rendering more effectual the laws in being relative to houſes of correction*), as by an act of the twenty-fourth year of the reign of his ſaid Maſteſty, to explain and amend the ſaid act of the twenty-second year of his reign, in reſpect to ſuch houſes of correction as ſhall be built under the ſame acts; and, as an addition to the apartments and places thereby required, provision ſhall be made, as far as conveniently may be, for ſeparately lodging and keeping each individual priſoner; apartments of a greater degree of reſtraint ſhall alſo be provided for the puniſhment of the refractory, who, under the ſaid two laſt-mentioned acts, may be ordered to cloſer confinement; a room ſhall be ſet apart as a chapel for the performance of divine ſervice; proper places for the reception of the ſick; a bath, and a cloſe room for purifying infected cloaths; and in the arranging the apartments for the governor, there ſhall be provided a room convenient for the meeting of the viſiting juſtices, or of ſuch other juſtices of the peace as may be inclined to hold any petty ſeſſions therein.

Directions for
conſtructing
the peniten-
tiary houſe.

XXIV. And be it further enacted, That in the conſtruction of the ſaid new penitentiary houſe, the following directions ſhall be particularly attended to by the ſaid commiſſioners; (that is to ſay), it ſhall be formed into two general diviſions, one for the confinement of male, the other of female convicts, and of ſuch dimensions as ſhall appear ſufficient for the reception of each claſs of priſoners hereby intended to be confined in it; and ſuch general diviſions ſhall be farther ſubdivided into diſtinct cells for each individual, with apartments for labour, and airing grounds, ſo diſpoſed as ſhall appear beſt adapted to promote the purpoſes of puniſhment by ſolitude and labour; and there ſhall be a bath, infirmary, and chapel, particularly appropriated to the uſe of the ſaid penitentiary houſe, or to which the priſoners therein confined can have all neceſſary acceſs,

Materials
veſted in the
commiſſioners.

XXV. And be it further enacted, That all timber, ſtone, brick, and other materials to be made uſe of, or which ſhall

shall be collected to be made use of, by order of the said commissioners, or any five or more of them, for building and completing any gaol, penitentiary house, house of correction, or other building or work carrying on for the purposes of this act, and which may not be the immediate property of their agents and contractors, shall be vested in the said commissioners, and they, or any five or more of them, are hereby authorized and empowered to bring, or cause to be brought, any action or actions, in the name of their clerk, or to prefer or cause to be preferred any bill or bills of indictment, against any person or persons who shall steal, take away, or damage any such materials, or disturb them in the possession thereof.

XXVI. And be it further enacted, That if any person or persons shall wilfully and maliciously obstruct the erecting, building, or repairing any gaol, house of correction, boundary wall thereof, or other building hereby directed to be built, or wilfully or maliciously pull down, damage, or destroy the same, or any part thereof, every person so offending, and being lawfully convicted, shall be subject and liable to the like pains and penalties as in cases of felony, and the court by and before whom any such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws and statutes of this realm.

For punishing persons obstructing or damaging buildings, &c.

XXVII. And whereas, in case of building the said new gaol on the site of the present gaol for the county of Gloucester, it may be necessary to provide a temporary gaol for the said county; be it therefore further enacted, That in such case it shall and may be lawful for the sheriff of the said county to remove the prisoners in the said present gaol to such house or houses of correction, or other places of confinement, within the same county, as the justices of the peace for the same county shall, at any general or quarter sessions of the peace, appoint, which house or houses of correction, or other proper place of confinement, shall be deemed the common gaol for the said county, until the said new gaol be built, and the prisoners in the custody of the sheriff therein shall be removed therefrom, under the directions hereinafter given for that purpose.

For providing a temporary gaol, if necessary.

XXVIII. And be it further enacted, That when the said new gaol shall be finished, it shall be the common gaol for the county of Gloucester, and shall from time to time be repaired and supported by the same ways and means as county gaols in England are by law to be repaired and supported, and the sheriff of the said county for the time being shall have the keeping thereof; and when the said new gaol shall be fit for the reception of prisoners, the said commissioners, or any five or more of them, shall cause notice thereof to be given to the sheriff of the said county, who shall with all convenient speed remove to such new gaol all such prisoners as shall be in his custody, which removal shall not be deemed or taken to be an escape.

Prisoners to be removed to the new gaol.

XXIX. And be it further enacted, That when, and as soon

Justices power
over the new
houses of cor-
rection.

17 Geo. 2.
p. 5.

as the said five new houses of correction shall severally and re-
spectively be completely erected and built, they shall be fitted
up and furnished, by order of the said commissioners, or any
five or more of them, as houses of correction are directed to be,
by an act passed in the seventeenth year of his late majesty King
George the Second, (intituled, *An act to amend and make more
effeſual the laws relating to rogues, vagabonds, and other idle and
disorderly persons, and to houses of correction*;) and so soon as such
houses of correction, or any of them respectively, shall be fit
for the reception of offenders, the justices of the peace for the
county of Gloucester shall have the like power and authority over
the same respectively, as they have, by virtue of any law now
in force, over those already erected or provided within the same
county; and the said justices, at their first general or quarter
sessions after each of the said new houses of correction shall be
to completely erected and furnished, shall frame a body of orders
and regulations for governing and regulating the same respec-
tively, and for employing, relieving, and punishing the persons
therein, according to the true intent and meaning of the said
last mentioned act, and shall then declare the same respectively
to be fit for the reception of offenders, and shall make such
order for using the same accordingly, and for transferring of-
fenders from the present houses of correction, as the successive
completion of the said new houses of correction shall make
proper, and the nature of the case shall require; and when all
the said new houses of correction shall be completed, the old
houses of correction for the said county shall no longer be used
as such; and all the said new houses of correction shall, from
the time of their being first used as such, together with the
buildings, aqueducts, clements, and appurtenances thereto
belonging, be repaired and supported in the same manner as
houses of correction ought to be by the laws and statutes of the
realm.

Justices may
appoint a
surgeon and
apothecary.

XXX. And be it further enacted, That the justices of the
peace, at their general or quarter sessions for the said county of
Gloucester, may, if they think fit, appoint an experienced sur-
geon or apothecary to attend the said penitentiary house, and
each of such new houses of correction, at a stated salary, and
may remove him, or vary his salary, from time to time; and
every surgeon or apothecary so appointed, shall and is hereby
directed to report to the said justices, at every general or quarter
sessions, a state of the health of the prisoners under his care.

Penitentiary
house to be
under ma-
nagement of
the justices.

XXXI. And be it further enacted, That when the said peni-
tentiary house for the county of Gloucester shall, under the pow-
ers aforesaid, be erected and fitted up, so as to be ready for the
reception of offenders, it shall be under the care and manage-
ment of the justices of the peace of the said county for the time
being, and shall from time to time be maintained, supported,
and repaired by such ways and means, and in such manner, as
houses of correction in this kingdom are by law directed to be;
and as soon as proper officers, with rules and regulations for the
govern-

government of the same, shall be appointed and made by the justices of the peace for the said county, at their general or quarter sessions, under the powers herein-after given them, the clerk of the peace for the said county shall, by order of the said justices, make certificate thereof to the justices of assize at the next ensuing assizes for the said county, or as soon after as conveniently may be; and from the time of receiving such certificate by such justices of assize, the said penitentiary house shall be made use of as a penitentiary house for the county of Gloucester, for the reception and custody of such offenders as are herein-after mentioned; (that is to say), where any person hath been or shall be, at any session of oyer and terminer, or gaol delivery, or at any assize, or any general or quarter sessions of the peace for the county of Gloucester, lawfully convicted of any crime or offence, for which he or she shall, by virtue of any statute now in force, or hereafter to be made, be liable to be imprisoned and kept to hard labour within any gaol, house of correction, or other proper place, within the said county, or where any such imprisonment and labour shall at any time be legally ordered as a condition of his Majesty's royal mercy extended to any capital or transportable convict, it shall be lawful for the court before which any such person shall be so convicted, or any court held for the said county, with like authority, or in the case of any offender who shall be so allowed the benefit of a conditional pardon, if no such court shall be sitting, for any judge or justice of the court by or before whom such offender shall have been convicted, to order and adjudge that such person shall be punished by being imprisoned and kept to hard labour in the said penitentiary house, for any term not exceeding the term for which such person was liable to be imprisoned and kept to hard labour in any gaol, house of correction, or other proper place, within the said county of Gloucester.

XXXII. *And whereas difficulties frequently occur, which delay the carrying into execution sentences and orders of transportation of convicts to places beyond the seas, from whence great inconveniences arise to the said county of Gloucester, be it therefore further* enacted, That when and as soon as, and at any time after such certificate shall be made by the clerk of the peace for the said county as aforesaid, it shall be lawful for the sheriff or gaoler for the said county, having custody of any offender remaining under sentence of transportation beyond the seas, to cause every such offender to be conveyed to the said penitentiary house, there to remain until he or she be transported, or otherwise removed, according to law, or until he or she, by the expiration of the term of such transportation, or otherwise, shall be entitled to his or her liberty; and the governor of the said penitentiary house shall have the custody of every such offender during his or her confinement therein, and every such offender shall be subject to the discipline, regulations, and restrictions herein-after provided, or directed to be provided, for employing, governing, and treating all offenders therein confined: provided

In what cases transportable persons may be conveyed to the penitentiary house.

provided always, and it is hereby expreſſly declared, That the time during which ſuch offender ſhall ſo continue confined by virtue of this act, ſhall be reckoned in diſcharge, or part of diſcharge, or ſatisfaction, of the term of his or her transportation.

A proportion of offenders may be ſent to the national penitentiary houſe.

XXXIII. Provided always, That notwithstanding a penitentiary houſe is by this act provided for the county of *Glouceſter*, there ſhall or may be ſent from the ſame county, to the national penitentiary houſes to be erected under the ſaid act of the nineteenth year of his preſent Majeſty, or to any other place of reception for tranſportable or other convicts, that may hereafter be provided in lieu thereof, the ſame proportion of offenders, in reſpect of the circuit to which the ſaid county belongs, as if this act had not been made.

How offenders adjudged to hard labour ſhall be conveyed to the penitentiary houſe.

XXXIV. And be it further enacted, That when any offender ſhall be adjudged to be kept to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter*, the clerk of aſſize, or other clerk of the court in which ſuch offender ſhall be convicted, ſhall give to the ſheriff or gaoler having the cuſtody of ſuch offender, a certificate in writing, containing an account of the chriſtian name, ſurname, and age, of ſuch offender, of his or her offence, of the court before which he or ſhe was convicted, and of the term for which he or ſhe ſhall be ſo ordered to hard labour; and ſuch ſheriff or gaoler ſhall forthwith, after receiving ſuch certificate, convey ſuch offender to the ſaid penitentiary houſe for the county of *Glouceſter*, and ſhall deliver him or her, together with ſuch certificate, to the governor of the ſaid penitentiary houſe, to be appointed in manner herein-after mentioned; and in caſe the office of governor of the ſaid penitentiary houſe ſhall happen to be diſtinct and ſeparate from the office of gaoler, every ſuch governor, or the perſon or perſons acting for him, ſhall, under his or their hand or hands, give a proper receipt in writing to ſuch ſheriff or gaoler, which ſhall be his ſufficient diſcharge; and ſuch governor ſhall tranſmit ſuch certificate to the clerk of the peace for the ſaid county of *Glouceſter*, who ſhall file or preſerve it with the records of the ſeſſions.

County rates may be mortgaged for the expences of the act;

XXXV. And, for defraying the expence of building the ſaid new gaol, penitentiary houſe, and houſes of correction, for the county of *Glouceſter*, and of otherwiſe carrying this act into execution, be it further enacted, That it ſhall be lawful for the ſaid commiſſioners, at any meeting at which ſeven at leaſt ſhall be preſent, from time to time to borrow and take up, on mortgage of the county rates for the county of *Glouceſter*, by instruments in the form contained in the ſchedule hereunto annexed, ſuch ſum or ſums of money as to them ſhall appear neceſſary and expedient for the purpoſes aforeſaid, at legal or lower intereſt, in ſeparate and ſpecifick ſums, not exceeding one hundred pounds each, and to take and receive any part of the ſum or ſums of money, ſo appearing neceſſary and expedient for the purpoſes aforeſaid, of any perſon or perſons willing to pay or advance the ſame, upon

or money raised by aſſeſſment.

upon annuities for any term of years, not exceeding twenty-five years, or for the life of the purchaſer, and thereupon to charge the ſaid county rates for the county of *Glouceſter*, with ſuch annuities, by inſtruments in the form alſo contained in the ſaid ſchedule; and every ſuch mortgage for the ſecuring the payment of any principal money and intereſt, and every ſuch charge for ſecuring the payment of any ſuch annuity, ſhall be ſigned by the claimant, and three others at leaſt of the ſaid commiſſioners, at a meeting held under this act; and all ſuch mortgages and charges, or ſecurities, ſhall be clear of all fees and expences from the perſon ſo advancing the money, and copies thereof ſhall be entered in a book or books to be kept by the clerk to the ſaid commiſſioners; and all perſons to whom ſuch mortgages and charges, or ſecurities, ſhall be given, are hereby impowered, by indorſing their reſpective names on the back thereof, as in the caſe of promiſſory notes without ſtamps, or by writing or writings executed under his or their hand and ſeal, to transfer, or bargain, ſell, and aſſign the ſame, and his, her, or their right to the principal money and intereſt, or annuity or annuities, thereby ſecured, to any perſon or perſons whomſoever; who ſhall thereupon be entitled to the benefit thereof and payment thereon, and he, ſhe, or they may, in like manner, transfer, or bargain, ſell, and aſſign again, and ſo *toties quoties*; and all and every perſon or perſons, to whom ſuch mortgages and charges, or ſecurities, or transfers or aſſignments thereof, ſhall be made, ſhall be creditors on the ſaid county rates for the county of *Glouceſter*, equally one with another, without any regard to priority of date of any ſuch mortgage, charge, or ſecurity; but no annuity or annuities ſhall be granted for the life of any one perſon, for any ſum exceeding one hundred pounds *per annum*; and all transfers, ſales, and aſſignments of annuities, ſhall (previous to any ſubſequent demand of payment in reſpect of the ſame) be notified to the ſaid clerk, who ſhall cauſe an entry to be made, ſpecifying the date thereof, and parties thereto, in the book or books containing the original entry of the ſecurity, and ſhall be paid for each ſuch entry one thilling and ſixpence, and no more; and which ſaid book or books may, at all ſeaſonable times, be peruſed and inſpected by the creditors on the ſaid rates, without fee or reward.

Securities
may be af-
ſigned.

XXXVI. Provided always, That the ſaid commiſſioners ſhall not proceed to treat and agree for any annuity or annuities as aforeſaid, until publick advertiſement, containing the terms of their propoſals, and time of treating and agreeing for the ſame, ſhall have been inſerted in ſome publick newspaper circulating as aforeſaid, at leaſt fourteen days before ſuch time of treating; and all ſuch agreements ſhall be made in open committee, to which all contributors to the county rates ſhall have free acceſs, and the beſt bidder for every annuity ſhall be accepted as purchaſer thereof; but no annuity for twenty-five years ſhall be granted

Notice to be
given of in-
tention to
grant annui-
ties,

granted for leſs than thirteen years purchaſe, and ſo in proportion for any annuity for a leſſer number of years.

XXXVII. *And, in order effectually to ſecure the regular and punctual diſcharge of the intereſt on the principal ſums ſo to be borrowed on mortgage, and the growing payment of the ſaid annuities, and further to provide for the paying off of ſuch principal ſums, be it further enacted, That the ſaid commiſſioners, or any five or more of them, may and ſhall, in every year after the paſſing of this act, till the whole of the principal ſums herein-before authorized to be borrowed ſhall have been repaid, with all intereſt for the ſame, receive the ſum of two thouſand pounds out of the county rates for the ſaid county of Glouceſter, for which purpoſe they ſhall in every year make one or more order or orders upon the treaſurer of the ſaid county, for payment of the ſaid ſum of two thouſand pounds, either in one entire ſum, or in parcels to the treaſurer of the ſaid commiſſioners; and the treaſurer of the ſaid county ſhall accordingly pay ſuch ſum or ſums, in conformity to the ſaid order or orders, or as ſoon after as his receipts from the ſaid county rate ſhall enable him; and the juſtices of the peace for the ſaid county ſhall, from time to time, at their general or quarter ſeſſions, make ſuch provision for augmenting the ſaid county rate as the additional annual charge thereon, created by this act, ſhall require: and, in order to facilitate the payment of the intereſt on the ſaid principal ſums ſo to be borrowed, and of the ſaid annuities, the ſaid commiſſioners, or any five or more of them, are hereby required to appoint a day or days in each year on which the intereſt of the ſaid principal monies, and the growing payments of the ſaid annuities, as they ſhall reſpectively become due, (ſhall from time to time be diſcharged, at the office of their treaſurer, and which he is to pay accordingly, without fee; and the ſaid commiſſioners, or any five or more of them, ſhall, and they are hereby required, within ten days previous to ſome one ſuch day of payment in every year, to adjust and ſettle all books of account relative to the truſt, in ſuch manner that it may eaſily be ſeen what principal ſums have been diſcharged, and what annuities or intereſt ſhall be growing due, and thereupon to make order for the regular diſcharge of the ſame; and the ſaid books, when ſo adjusted and ſettled, ſhall be ſigned by the ſaid commiſſioners, or any three or more of them, preſent at ſuch meeting, and ſhall be kept by the clerk to the ſaid commiſſioners, and at all convenient ſeaſons be open to the inſpection of all perſons being creditors on the ſaid county rate, or aſſeſſed to the poors rates within the county of Glouceſter; they paying to ſuch clerk ſuch fee for inſpecting the ſame, as is herein-before directed to be paid him for the inſpection of the books of proceedings of the ſaid commiſſioners.*

XXXVIII. *And whereas it is intended that all the ſaid mortgages or ſecurities for the payment of any principal money ſhall be liable to be diſcharged by the gradual operation of a ſinking fund, without any partiality*

Money to diſcharge intereſt on mortgages, and to pay annuities, to be taken out of county rates.

partiality or preference; be it therefore enacted, That as soon as the said new gaol and penitentiary house, and new houses of correction, shall be completed, and before any money shall be applied in discharge of any such mortgages as herein-after directed, the said commissioners, or any five or more of them, shall appoint a general meeting of commissioners, of which fourteen days notice shall be given in some newspaper circulating as aforesaid, and to which all mortgages under this act shall be admitted; and all the said mortgages shall then and there be drawn by lot, by order of the commissioners present, and numbered according to the event of such drawing; and the mortgages so drawn and numbered shall be regularly discharged in succession, according to priority of number.

Mode for discharging mortgages.

XXXIX. And be it further enacted, That the said annual sum of two thousand pounds to be raised out of the said rate for the county of Gloucester, shall, by order of the said commissioners, or any five or more of them, from time to time be applied in manner following; (that is to say), a sufficient part thereof shall in the first place be applied in paying all charges and expences incident to and attending the obtaining and passing this act, and in the next place in keeping down the interest of the said principal sums so to be borrowed, and in paying the annuities so to be granted in manner aforesaid, and the surplus shall be applied in discharging the expences of erecting, fitting up, and furnishing the said new gaol, penitentiary house, and new houses of correction for the said county; and when such last mentioned expences shall be entirely discharged, then such surplus shall be applied as a sinking fund, for the gradual discharge of the principal sums borrowed as aforesaid.

Application of the annual sum to be raised, &c.

Expence of passing this act; keeping down the interest, and paying the annuities; expences of the gaol, &c.; surplus for a sinking fund.

XL. And, for establishing and enforcing a proper police within the said new gaol for the county of Gloucester, be it further enacted, That before the opening of the said new gaol for the reception of prisoners, a body of rules, orders, and regulations, as by laws for the government of the said new gaol, and of the prisoners to be therein confined, shall be framed, made, and confirmed, by such persons, and in such manner, as is appointed for county gaols in general by a statute of the thirty-second year of his late majesty King George the Second, intituled, *An act for relief of debtors with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*; and in the same rules, orders, and regulations, proper and particular directions shall be given for effectuating such separation and classing of prisoners as is herein-before directed in appointing how the same gaol shall be constructed, with such further separation and classing as shall be thought requisite, and also as well for enforcing amongst the prisoners, cleanliness, temperance, and a decent and orderly behaviour, as for securing a just and humane treatment of them by the gaoler, and his servants; and all directions contained

For establishing a police in the new gaol.

32 Geo. 2. c. 28.

in the faid act, refpe<ting fuch rules and orders, fhall be exactly conformed to.

29 Car. 2. c. 4. **recited.** **XLI.** *And whereas, by an act of the nineteenth year of King Charles the Second, intituled, An act for relief of poor prifoners, and fetting them on work, after reciting that there was not any fufficient provision made for the relief and fetting on work of poor and needy perfons committed to the common gaol for felony and other mifdemeanors, who many times perifh before their trial, and the poor there living idly and unemployed, become debauched, and come forth inſtructed in the practice of thievery and lewdnefs, it is enacted, That the juſtices of the peace, in their refpective counties, at any their general ſeffions, if they fhall find it needful fo to do, may provide a ſtock of fuch materials as they find convenient for the fetting poor prifoners on work, in fuch manner and by fuch ways as other county charges may be levied and raifed, and to pay and provide fit perfons to overfee and fet fuch prifoners on work, and make fuch orders, for accounts of and concerning the premifes, as fhall by them be thought needful, and for punifhment of neglects and other abuſes, and for beſtowing of the profits ariſing by the labour of the prifoners fet on work for their relief, which fhall be duly obſerved; and may alter, revoke, or amend fuch their orders from time to time, provided that no pariſh be rated above fixpence by the week towards the premifes, having reſpect to the refpective values of the ſeveral pariſhes: and whereas the provision of the ſaid recited ſtatute is very fit to be executed with reſpect to fuch prifoners therein deſcribed, as fhall be confined in the ſaid new gaol for the county of Glouceſter, with an extenſion thereof to all other prifoners inclined to take the benefit thereof, and alſo an increaſe of the ſum limited by the ſaid act, for covering the expence of executing the ſame; be it therefore enacted, That the juſtices of the peace for the ſaid county of Glouceſter ſhall have authority to execute the ſaid recited provision in the ſaid laſt mentioned act, for ſetting poor perfons on work, as well in regard to ſuch perfons as are therein deſcribed, as in favour of all other prifoners within the ſaid new gaol, who may at any time be inclined and willing to work, and for that purpoſe are hereby authorized, at any general or quarter ſeffions of the peace for the ſaid county, or at any adjournment thereof, to direct the payment of fuch ſums of money, out of the county rate for the ſaid county, as they ſhall from time to time think it to be expended in executing the provision of the ſaid laſt mentioned act, according to the extenſion thereof, hereby made.*

Prifoners in
the gaol may
be fet to work.

Recital of an **act 14 Eliz.** **LII.** *And whereas, by an act of the fourteenth year of Queen Elizabeth, intituled, An act how vagabonds ſhall be puniſhed, and the poor relieved, as alſo by the above mentioned act of the thirty-second year of King George the Second, ſome provision is made for the relief of prifoners; but, notwithstanding the humane purpoſes thereby intended, the health of prifoners is frequently ſo affected, by want of neceſſary food, as to render them incapable of labour when releaſed; and therefore it may be expedient to have a new and more extenſive provision in favour of ſuch poor prifoners as ſhall be confined in the ſaid gaol for the county of Glouceſter, and have not any means*

of acquiring neceſſary ſuſtenance; be it therefore enacted, That, Juſtices may from and after the paſſing of this act, it ſhall be lawful for the order food juſtices of the peace for the ſaid county of *Glouceſter*, at their and raiment general or quarter ſeſſions, or any adjournment thereof, from neceſſary for time to time to order ſuch ſum or ſums of money to be paid ſupport of health. out of the county rate of the ſaid county, towards aſſiſting ſuch priſoners of every deſcription, as, being confined within the ſaid gaol, are not able to work, or being able, cannot procure employment ſufficient to ſuſtain themſelves by their induſtry, or who may not be otherwiſe provided for by virtue of any law or ſtatute, or of any cuſtom or order, ſuch food and raiment as the ſaid juſtices ſhall from time to time think neceſſary for the ſupport of health, and ſuch money ſhall accordingly be applied in conformity to directions to be given by the ſaid juſtices.

XLIII. *And, for regulating the ſaid penitentiary houſe for the county of Glouceſter, and ſettling the government and police thereof*, be it further enacted, That previously to the opening of the ſaid penitentiary houſe for the reception of offenders, the juſtices of the peace for the ſaid county ſhall, at one or more general or quarter ſeſſions for the ſaid county (at which ſeven at leaſt ſhall be preſent), appoint a governor or taſk-maſter of the ſaid penitentiary houſe, and ſuch other officers, and with ſuch ſalaries and allowances for the ſaid governor and other officers, as they the ſaid juſtices ſhall deem neceſſary; and afterwards the juſtices of the peace for the ſaid county ſhall from time to time have power, at their general or quarter ſeſſions, or any adjournment thereof, to appoint and remove the governor and other officers of the ſaid penitentiary houſe, and to appoint others in their ſtead, and to increaſe or diminifh the number of the officers, excluſive of the governor, and alſo to alter the ſalaries and allowances of ſuch governor and other officers, as the ſaid juſtices ſhall from time to time find convenient; and in fixing the ſalary and allowance of ſuch governor or taſk-maſter, the juſtices ſhall have regard, ſo far as may be, to the making the emoluments of the office depend on the quantity of work done and performed in ſuch penitentiary houſe, that it may become the intereſt as well as duty of ſuch governor or taſk-maſter to ſee that all perſons under his cuſtody be regularly and profitably employed; and further, ſuch governor and other officers ſhall give ſuch ſecurity for the performance of their reſpective duties, as the ſaid juſtices from time to time, at any ſuch general or quarter ſeſſions, ſhall appoint; and ſuch governor and other officers, for any negligence or miſbehaviour in their reſpective offices, may either be proceeded againſt on the ſecurity ſo to be given, or ſhall be fineable by the juſtices of the peace for the ſaid county, at any general or quarter ſeſſions, in the ſame manner as the governor of any houſe of correction is fineable, by juſtices of the peace, by an act paſſed in the ſeventh year of King James the Firſt, intituled, *An act for the due execution of* 7 Jac. I. c. 4. *divers laws and ſtatutes heretofore made againſt rogues, vagabonds,*

For regulat-
ing the peni-
tentiary
houſe, and
police thereof.

and sturdy beggars, and other lewd and idle persons, or by the aforesaid act of the seventeenth year of King George the Second; and if any governor of any penitentiary house, being removed by any order of the said justices at their general or quarter sessions, or any adjournment thereof, shall refuse or neglect to quit the possession of the said penitentiary house, for forty-eight hours next after notice given to him in writing by the clerk of the peace for the county of Gloucester, any two or more justices of the peace for the said county, upon proof before them of such order of removal, such notice thereof, and such neglect or refusal to comply with the same, may, by warrant under their hands and seals, direct the sheriff of the said county to remove such governor out of the said penitentiary house, and the sheriff shall accordingly clear the possession thereof in like manner, as upon a writ of *Habere Facias Possessionem*.

Justices to make bye-laws and orders respecting the penitentiary house.

XLIV. And be it further enacted, That, previous to the opening of the said penitentiary house for the reception of offenders, the justices of the peace for the said county of Gloucester shall, and they are hereby authorized and required, at some general or quarter sessions for the said county, to make such bye-laws, rules, and orders, for receiving, separating, classing, dieting, cloathing, maintaining, employing, reforming, governing, managing, treating, and watching all offenders, during their respective confinement in the said penitentiary house, and also for adjusting what aid shall be given to them, as well during such confinement as on their being released, as to the said justices shall seem most fit and proper; but no such bye-laws, rules, and orders, shall be made at any such sessions, unless seven justices at least shall be present; and in making such bye-laws, rules, and orders, the said justices shall have regard to the discipline, provisions, and directions, contained in the aforesaid act of the nineteenth year of his present Majesty, *for explaining and amending the laws relating to the transportation, imprisonment, and other punishment of certain offenders*, concerning the two national penitentiary houses therein mentioned, as nearly as to the said justices shall appear to be consistent with the more limited design of the penitentiary house for the county of Gloucester; and further, such bye-laws, rules, and orders, so to be made as aforesaid, shall not begin to have force till they have been submitted to the justices of assize, at the assizes which shall be holden for the said county next after the making of such bye-laws, rules, and orders, or at some subsequent assizes, and the said justices of assize shall have subscribed a declaration, that they do not see any thing contrary to law in the said bye-laws, rules, and orders, so to be made as aforesaid, and all such bye-laws, rules, and orders, shall be afterwards added to or altered, from time to time, as often as the said justices of the peace for the said county, at any general or quarter sessions (at which seven at least shall be present) shall think necessary, and such additions or alterations shall also in like manner be submitted to the justices of assize, at any assizes

for

for the ſaid county, in manner aforeſaid; but nothing herein contained ſhall extend, or be conſtrued to extend, to deprive any convict confined in the ſaid new gaol or penitentiary houſe, of the benefit of any weekly or other allowance which has uſually been, or hereafter may be granted or made, by virtue of any law, ſtatute, cuſtom, or order, for the purpoſe of maintaining and ſupporting convicted priſoners; provided only, that the application of all and every ſuch allowance ſhall be ſubject to ſuch limitations and reſtrictions as may be contained in the bye-laws, rules, and orders, herein directed to be made for the government and police of the ſaid gaol and penitentiary houſe.

XLV. And be it further enacted, That the governor of the ſaid new penitentiary houſe, and his aſſiſtants, ſhall have the ſame powers over the offenders to be confined therein as are incident to the office of a ſheriff, or of a gaoler, and in like manner be answerable for the eſcape of any offender within his cuſtody; and moreover the ſaid governor ſhall have power to hear complaints, and examine any perſons touching offences, and determine and puniſh the ſame (except by whipping) in ſuch and the ſame manner as the governor of each penitentiary houſe directed to be built by the ſaid act of the nineteenth year of his preſent Maſteſty, is by the ſame act impowered to do; and in caſe of the repetition of ſuch offences, or in caſe of offences more enormous, which the ſaid governor of the ſaid new penitentiary houſe is not by this act impowered to puniſh, the ſaid governor ſhall report the ſame to the viſiting juſtices of the ſaid penitentiary houſe, or one of them, for the time being, to be appointed as herein-after is directed; and ſuch juſtices, or one of them, ſhall have power to enquire upon oath, and determine concerning all ſuch offences ſo reported to them, and ſhall order ſuch offenders to be puniſhed in ſuch and the ſame manner as the committee appointed by the ſaid laſt-mentioned act are thereby impowered to do reſpecting offenders and offences in each of the penitentiary houſes thereby directed to be built; and if any perſon ordered to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter* ſhall, at any time during the term for which he or ſhe ſhall be ſo ordered, break priſon, or ſhall eſcape from the ſaid penitentiary houſe, or in the conveyance to the ſame, or from the perſon or perſons having the lawful cuſtody of ſuch offender; or if any perſon ſhall reſcue any offender, who by force of this act ſhall be ordered to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter*, either during his or her conveyance thereto, or whiſt ſuch offender ſhall be in the cuſtody of the perſon or perſons under whoſe care and charge he or ſhe ſhall be confined; or if any perſon ſhall be aiding or aſſiſting in any ſuch reſcue; or if any perſon, having ſuch cuſtody as an aſſiſtant, ſhall voluntarily or negligently permit ſuch offender to eſcape; or if any perſon ſhall, by ſupplying arms, tools, inſtruments, or means of diſguiſe, or otherwiſe in any manner aid or aſſiſt any ſuch offender

fender in any escape, or in any attempt to make an escape, though no escape be actually made; every such offence as aforesaid shall be punished in the same manner as the like offence would be punishable under the before-mentioned act of the nineteenth year of his present Majesty, directing two national penitentiary houses to be built, if such had been committed by or in respect to any person ordered to hard labour in either of the said two penitentiary houses therein mentioned.

Provisions of
Act 19 Geo. 3.
relating to
escapes, &c.
to be extend-
ed to the pe-
nitentiary
house.

XLVI. And be it further enacted, That the provision made in and by the said act of the nineteenth year of his present Majesty, for carrying on prosecutions for escapes, attempts to escape, breaches of prison, and rescues, in the case of persons adjudged to either of the said penitentiary houses thereby directed to be built, shall extend and be applied to any prosecution for any escape, attempt to escape, breach of prison, or rescue, in the case of any person who, under this act, shall be adjudged to the said penitentiary house for the county of *Gloucester*.

Expences of
the peniten-
tiary house to
be paid out of
the county
rate.

XLVII. And be it further enacted, That from time to time, and at all times after first opening the said penitentiary house for the county of *Gloucester*, for the reception of offenders, the expences of repairing the same, with the buildings, easements, and appurtenances thereto belonging, and of providing proper implements, with stock of materials for work, to be used therein, and the salaries and allowances to the governor and other officers thereof, together with the aid, adjusted as aforesaid, to be given to prisoners, as well during their confinement, as on their being released, and all other charges and expences necessary for supporting the said penitentiary house, in conformity to the directions and intent of this act, shall be paid out of the county rate, by the treasurer of the county of *Gloucester*, and the justices of the peace for the said county shall, from time to time, make provision for the same out of the county rate; and the said penitentiary house shall, in all other respects not herein particularly provided for, be considered as a house of correction for the county of *Gloucester*, and be subject to the various statutes and provisions made and now in force, for the managing, regulating, and repairing houses of correction.

Justices to be
appointed to
inspect the
gaol, &c.;

XLVIII. And, for better preventing all abuses, as well in the said new penitentiary house as in the said new gaol, and new houses of correction, for the said county of *Gloucester*, the justices of the peace shall, at every *Michaelmas* general or quarter sessions which shall be holden for the said county, after the beginning to receive offenders in the said gaol, penitentiary house, and houses of correction, respectively appoint two or more justices visitors of the said new gaol and penitentiary house, and of the said house of correction contiguous thereto, and also two or more other justices visitors for each of the said four other houses of correction; and such visiting justices, so respectively appointed, shall, either together or singly, personally visit and inspect each such prison at least three times in each quarter of a year, and oftener if occasion shall require, and shall examine into

into the ftate of the buildings, the behaviour and conduct of the refpective officers, and the treatment and condition of the prifoners, the amount of their earnings, and the expences attending each prifon refpectively, and in matters of preffing neceffity, and within the powers of their commiffion as juftices, fhall take cognizance therein, and proceed to regulate and redrefs the fame; and at every general or quarter feflions of the peace, the faid vifiting juftices refpectively fhall make a report in writing of the ftate and condition of the faid new gaol, penitentiary houfe, and new houfes of correction, and of all abufes which may occur to their obfervation therein; and the chairman of the faid feflions is hereby required to call upon the faid vifitors for fuch report; and further, it fhall be lawful for every juftice of the peace for the faid county, of his own accord, and without being appointed a vifitor, to enter into the faid new gaol, penitentiary houfe, and houfes of correction, refpectively, and to examine the fame, at fuch time or times, and as often as he fhall think fit, and if he fhall difcover any abufes therein, he is hereby required to report them in writing at the next general or quarter feflions of the peace which fhall be holden for the faid county; and when and as often as report of any abufes in the faid gaol, penitentiary houfe, and houfes of correction, or either of them, fhall be made by the faid vifiting juftices, or either of them, or by any other juftice of the peace for the faid county, the abufes fo reported fhall be taken into immediate confideration by the juftices of the peace for the faid county, at the general or quarter feflions at which fuch report fhall be made, and they are hereby required to adopt the moft effectual meafures for enquiring into and rectifying fuch abufes asfoon as the nature of the cafe will allow.

and report to
the feflions.

XLIX. And be it further enacted, That no keeper of the faid new gaol, or governor of the faid penitentiary houfe, nor any perfon or perfons in truft for or employed by fuch keeper or governor, or who fhall have any office or employment as affiftant, or otherwife, under fuch keeper or governor, fhall fell, or be capable of being licensed to fell, or have any benefit or advantage whatfoever, directly or indirectly, from the fale of any wine, beer, ale, or other liquors, ufed in fuch gaol or penitentiary houfe; and every perfon offending therein fhall, on complaint made on oath, and conviction before one juftice of the peace, forfeit and pay the fum of ten pounds.

Keepers, or
governors, not
to fell liquors
in the peni-
tentiary
houfe.

L. And whereas a confiderable part of the emolument of gaoler or keeper of the gaol for the county of Gloucefter has ufually arifen from fees paid to him by debtors and other perfons confined therein, and from incidental charges made by him on the county rate, on the difmiffion of prifoners, and on the removal of transports; and, by reafon of neglect in regulating the faid fees, as directed by the aforefaid act of the thirty-second year of King George the Second, they are become oppreffive and burthenfome to poor prifoners, and fuch charges on the county rate are liable to frequent abufe; be it therefore enacted, That the juftices of the peace for the county of Gloucefter, af-

Justices to
fettle a table
of fees.

ſembled at their general or quarter ſeſſions, or at ſome ſpecial adjournment thereof, held for ſuch expreſs purpoſe, ſhall, and they are hereby required, within one year after the reception of priſoners in the ſaid new gaol, to regulate and ſettle a table of fees and rates to be taken by the gaoler or keeper of the ſaid gaol; and the ſaid juſtices, ſo aſſembled as aforeſaid, are hereby authoriſed and impowered, from time to time, to alter, vary, or totally diſallow of all or any ſuch charges and fees, and to order a copy of the table of fees, ſo regulated, to be hung up in the court of aſſize and quarter ſeſſions for the ſaid county, and another copy thereof to be tranſmitted to the ſaid gaoler or keeper, who ſhall cauſe the ſame to be hung up in ſome conſpicuous place within the ſaid gaol; and all orders and directions contained in the ſaid laſt mentioned act, reſpecting the table of fees and rates to be taken by gaolers or keepers of priſons, ſhall be conformed to as if the ſame were herein particularly enacted and repeated; and, by way of recompence for any diminution of emolument in the office of gaoler or keeper of the ſaid new gaol, by means of any ſuch regulation of fees, or by the diſallowing any ſuch charges on the county rate, or any part thereof, as well as for and in lieu of all or any part of the profits and emoluments that have uſually ariſen from the office of gaoler or keeper, the ſaid juſtices, ſo aſſembled as aforeſaid, are hereby further authoriſed and impowered to grant ſuch ſalaries and allowances to the ſaid gaoler or keeper, and to his aſſiſtants, as to the ſaid juſtices ſhall appear reaſonable and ſatisfactory, and from time to time to alter and vary the ſame as they ſhall think fit, and further to order and direct the ſaid ſalaries and allowances to be paid out of the county rate by the treaſurer of the ſaid county, upon an order or orders ſigned by the chairman of any general or quarter ſeſſions of the peace held for the ſaid county, ſpecifying the ſalary and allowance ſo directed to be paid: provided always, That no ſuch regulation of fees and charges, or any ſubſequent alteration thereof, ſhall be made, nor ſhall any ſuch ſalary and allowance, or any alteration thereof be fixed and determined at any general or quarter ſeſſions, or ſpecial adjournment thereof, unleſs fourteen days public notice at the leaſt ſhall have been given, by advertisement in ſome newspaper circulating as aforeſaid, ſigned by the clerk of the peace, and ſpecifying that ſuch regulation of fees and charges, or ſuch grant of ſalaries and allowances, will be taken into conſideration; and no ſuch regulation of fees and charges, or any ſubſequent alteration thereof, or any variation in ſuch ſalaries and allowances, ſo granted, that may in anywiſe affect the ſheriff or his officers, ſhall take place, or have effect, pending the continuance in office of the ſheriff who ſhall be actually in commiſſion at the time of making ſuch regulation, or any alteration thereof, or of varying ſuch ſalaries and allowances, unleſs ſuch ſheriff ſhall, by writing under his hand, conſent thereto; and the ſaid juſtices, in granting to any gaoler or keeper any ſuch ſalary or allowance, may ſtipulate, as a condition

tion of the payment thereof, that he do regularly obſerve and keep the bye-laws, rules, and orders of the ſaid gaol.

LI. And it is hereby further expreſſly provided, That no ſuch ſalary and allowance ſhall be paid out of the ſaid county rate to any woman, or other perſon incapable of executing the office in perſon, who may at any time be appointed gaoler or keeper of the ſaid gaol; but in caſe any gaoler or keeper ſhall, from confirmed ſickneſs, age, or infirmity, become incapable of ſo executing his office in perſon, the juſtices of the peace for the ſaid county, at any their general or quarter ſeſſions, at which ſeven at the leaſt ſhall be preſent, ſhall take the circumſtances of the caſe into their conſideration, and if he ſhall be found to have executed his office with diligence, honeſty, and fidelity, they are hereby impowered to grant him ſuch an annuity as they, in their diſcretion, ſhall think proportioned to the merits and time of his ſervice, not exceeding fifty pounds *per annum*, and may deduct the amount thereof from the ſalary allowed to the officiating gaoler or keeper, or, if they ſhall think fit, may order the payment of the whole, or any part thereof, out of the county rate for the county of *Glouceſter*.

No allowance to be made to any perſon incapable of performing the office.

Gaolers become infirm may have ſome allowance from the ſalary of the officiating gaoler.

LII. And be it further enacted, That the juſtices of the peace for the county of *Glouceſter* ſhall cauſe ſuch ſum or ſums of money as may be neceſſary from time to time for all or any the purpoſes of this act, and as is or are hereby charged on the county rate, to be raiſed in the ſame manner as county rates are directed to be raiſed by an act made in the twelfth year of his late majeſty King *George the Second*, for the more eaſy aſſeſſing, collecting, and levying of county rates.

Money charged on county rate, to be raiſed as directed by 12 Geo. 2. c. 29.

LIII. And be it further enacted, That all and ſingular the laws and ſtatutes of this realm, which, from the nature of the caſe, can be applied to the ſaid gaol, penitentiary houſe, and houſes of correction, for the county of *Glouceſter*, or to the building, fitting up, and repairing of the ſame, reſpectively, or to the ordering, governing, and transferring priſoners to be confined therein, ſhall extend to the ſaid new gaol, penitentiary houſe, and houſes of correction, and priſoners, in the ſame manner as if the ſame laws and ſtatutes were herein particularly enacted and repeated, and applied to the ſaid new gaol, penitentiary houſe, and houſes of correction.

All laws applicable to the purpoſes of this act, to be extended to it.

LIV. And be it further enacted, That all fines, forfeitures, and penalties inflicted by this act, or which ſhall be inflicted by virtue of any bye-law, rule, or order, to be made in purſuance thereof, the levying and recovering of which are not particularly herein directed, ſhall be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of two juſtices of the peace for the county of *Glouceſter*, who are hereby authorized to hear and examine witneſſes on oath or affirmation, and determine the ſame; and all ſuch reſpective fines, forfeitures, and penalties, by this act impoſed and inflicted, or authorized to be impoſed and inflicted, the application whereof is not herein-before particularly directed, ſhall

Penalties and forfeitures how to be recovered and applied.

be paid from time to time to the treasurer of the said commissioners for the time being, so long as there shall be such an officer, and when, by the operation of this act, the office of treasurer to the said commissioners shall cease, then to the treasurer for the time being of the said county of Gloucester, and shall be applied and disposed of for the purposes of this act, and to or for no other use or purpose whatsoever; and the overplus of the money raised by such distress and sale, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner of the goods distrained; and for want of sufficient distress, the offender shall be committed by such justices to some house of correction for the said county, for such term, not exceeding three calendar months, nor less than one calendar month, as such justices shall think proper.

How justices to proceed for conviction of offenders. LV. *And, for the more easy and speedy conviction of offenders against this act*, be it further enacted, That all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen; (*videlicet*):

Form of conviction.

BE it remembered, That on the *in the year*
of our Lord one thousand seven hundred and
A. B. is convicted before me C. D. one of his Majesty's justices of the
peace for the county of [specifying the offence,
and the time and place when and where the same was committed,
as the case shall be].

Given under my hand and seal, the day and year first above mentioned.

Appeals.

LVI. Provided always, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices of the peace, at any general or quarter session of the peace to be holden for the county of Gloucester, within six calendar months after the cause of such complaint shall have arisen, such appellant first giving, or causing to be given, eight clear days notice at least, in writing, of his or her intention to bring such appeal, and of the matter thereof, to the justice or justices of the peace, before whom the conviction shall have been had, and to the clerk to the said commissioners, and within four days after such notice enter into recognizance, before some justice of the peace for the said county, with two sufficient sureties, conditioned to try such appeal, and abide the order of, and to pay such costs as shall be awarded by, the justices at such quarter session; and the justices at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and

and matters of fuch appeal in a fummary way, and award fuch cofts to the parties appealing, or appealed againft, as they the faid juftices fhall think proper; and the determination of fuch quarter feffion fhall be final, binding, and conclufive to all intents and purpofes.

LVII. And be it further enacted, That no order made touching or concerning any of the matters in this act contained, or any proceedings to be had touching the conviction or convictions of any offender or offenders againft this act, fhall be quafhed for want of form, or be removed or removeable by *Certiorari*, or any other writ or procefs whatfoever, into any of his Majefty's courts of record at *Westminfter*; and that where any diftreff fhall be made for any fum or fums of moneys to be levied by virtue of this act, the diftreff itfelf fhall not be deemed to be unlawful, nor the party or parties making the fame be deemed a trefpaffer or trefpaffers, on account of any defect or want of form in the fummons, conviction, warrant of diftreff, or other proceedings relating thereto, nor fhall fuch party or parties be deemed a trefpaffer or trefpaffers *ab initio*, on account of any irregularity which fhall be afterwards done by the party or parties diftraining, but the perfon or perfons aggrieved by fuch irregularity fhall and may recover full fatisfaction for the fpecial damage (if any) in an action upon the cafe; but no plaintiff or plaintiffs fhall recover in any action for fuch irregularity as aforefaid, if tender of fufficient amends hath been made, by or on behalf of the party diftraining, before fuch action brought.

Proceedings not to be quafhed for want of form.

LVIII. And be it further enacted, That if any fuit or action fhall be profecuted againft any perfon or perfons, for any thing done in purfuance of this act, fuch perfon or perfons may plead the general ifue, and give this act, or the fpecial matter, in evidence at any trial to be had thereupon, and that the fame was done by authority of this act; and if a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall become nonfuit, or difcontinue his, her, or their action or actions after ifue joined, or if, on demurrer or otherwife, judgement fhall be given againft the plaintiff or plaintiffs, the defendant or defendants fhall recover treble cofts, and have the like remedy for the fame as any defendants have by law in other cafes; and though a verdict fhall be given for any plaintiff, in any fuch action or fuit as aforefaid, fuch plaintiff fhall not have cofts againft the defendant, unlefs the judge, before whom the trial fhall be, fhall certify his approbation of the action, and of the verdict obtained thereupon.

Perfons profecuted may plead the general ifue,

and recover treble cofts.

LIX. And be it further enacted, That all actions, fuits, and profecutions, to be commenced againft any perfon or perfons for any thing done in purfuance of this act, fhall be laid and tried in the county or place where the facts were committed, and fhall be commenced within fix calendar months after the fact committed, and not otherwife.

Limitation of actions.

LX. And be it further enacted, That this act fhall be deemed Publick act.

Anno vicelimo quinto GEORGE III. C. 10. [1785.
a publick act; and be taken notice of as such in all courts, and
by all persons whomsoever.

The SCHEDULE to which this Act refers.

Form of Mortgage upon the County Rates, for securing the
Money borrowed.

W^E

*of the commissioners for executing certain powers in an act passed in
the twenty fifth year of the reign of his majesty King George the
Third, intituled, An act for building a new gaol, a penitentiary
house, and certain new houses of correction, for the county of
Gloucester, and for regulating the same, being assembled at a meet-
ing, of which the said is chairman,
held under the said act, at on the
day of one thousand seven hundred and
do hereby mortgage and charge all the rates to be raised within the
said county, under the description of county rates, by the laws now in
being, with the payment of the sum of which
of both proposed and
agreed to lend, and both now actually advanced and paid, towards
defraying the expence of building the said new gaol, penitentiary
house, and houses of correction, and of otherwise carrying the said
act into execution; and we do hereby confirm and establish the said
mortgage and charge hereby made unto the said
his executors, administrators, and assigns, for securing the repayment
of the said sum of and interest for
the same, after the rate of per centum per
annum, and do order the treasurer to the said commissioners to pay
the interest of the said sum of half-yearly, as the
same shall become due, until the principal shall be discharged, pursuant
to the directions of the said act.*

Form of Charge upon the County Rates, for securing the
Annuities.

*WE, &c. [as in the form of the mortgage] do hereby, in con-
sideration of the sum of which
of both proposed and agreed to pay, and both
now actually advanced and paid, towards defraying the expence of
building the said new gaol, penitentiary house, and houses of correc-
tion, and of otherwise carrying the said act into execution, charge and
make chargeable all the rates to be raised within the said county, under
the description of county rates, by the laws now in being, with the
payment to the said his executors, admini-
strators, and assigns, of one annuity or yearly sum of
for the term of years [or, the life of the said
as the case may require]; and we do
hereby*

1785.] Anno viceſimo quinto GEORGII III. c. 11—15.
hereby confirm and eſtabliſh the ſaid annuity or yearly ſum unto the ſaid his executors, adminiſtrators, and assigns, and do order the treaſurer to the ſaid commiſſioners to pay the ſaid annuity or yearly ſum half-yearly, as the ſame ſhall become due, purſuant to the directions in the ſaid act.

41.

C A P. XI.

An act for raiſing a certain ſum of money by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — 1,500,000l. raiſed as by malt act of this ſeſſion.

C A P. XII.

An act for raiſing a further ſum of money, by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — 1,000,000l. raiſed more as by malt act of this ſeſſion.

C A P. XIII.

An act for repairing the highways, bridges, and ferries, in the county of Perth.

C A P. XIV.

An act for draining and preſerving certain low lands, within the pariſh of Timberland, in the county of Lincoln.

C A P. XV.

An act to enlarge the term and powers of ſeveral acts relating to the harbour of Liverpool; and for making two additional docks and piers in or near the port of Liverpool.

Recital of 8 Annæ, c. 12. for making a dock at Liverpool, and enabling the truſtees to borrow 6,000l. Act 3 Geo. 1. for enlarging the term granted by the recited act, and for borrowing 4,000l. more. Recital of 11 Geo. 2. c. 32. for enlarging the term and powers of the former acts, and for borrowing 6,000l. more for making an additional wet dock and dry pier. Recital of an act 2 Geo. 3. for enlarging the term and powers of the former acts, and for borrowing 25,000l. for paying former debts, and building another dock. Recital that another wet dock, &c. hath been built purſuant to the ſaid act. 22,550l. now due to creditors. The preſent docks are not ſufficient to hold the ſhipping. Two other wet docks requiſite. Corporation of Liverpool have contracted to purchaſe the ſite of ſeveral timber yards, and other ground, on the weſt ſide of Wapping ſtreet, there extending ſouthwardly from the duke of Bridgewater's yard and dock, up to Toxteth Park; out of which grounds to be appropriated, viz. beginning at the northerly boundary of Toxteth Park, and running from thence northwardly 260 yards; and from Wapping weſtwardly 115 yards for one dock; and for the other, a ſlip of the weſternmoſt part of the ſaid purchaſed premises, extending from the duke of Bridgewater's yard and dock ſouthwardly 386 yards, and in breadth 45 yards; for which, or ſo much as ſhall be ſo appropriated, the corporation to be paid in proportion to their purchaſe. And for a baſon for both the ſaid docks, it is agreed to appropriate a piece of waſte ground, lying to the weſtward of the former, extending from the duke of Bridgewater's dock and yard ſouthwardly 452 yards; from June 1, 1785, to be appropriated for the new docks and baſon. Power to the common council to erect two new docks.

The

The duties continued, from the expiration of the term in act 2 Geo. 3. for forty-one years. 70,000*l.* to be raised by virtue of this act, subject to all prior incumbrances. Application thereof, first for expenses of the act, then to pay former debts, and after for making, erecting, building, and finishing such docks, piers, and other works, as this act directed; and for maintaining, &c. the three present wet docks, and the buoys and land-marks, beacons, or perches, &c. erected in pursuance of former, or this act, and to pay the purchase money to the corporation. One third of the duties to be paid for ever. Reservation to the corporation of the ground not used for the docks. Property of the docks, &c. vested in the trustees. Extension of all the clauses relating to the other docks, to the two intended docks, &c. Saving of rights of the corporation of Liverpool, and all other persons. Publick act.

C A P. XVI.

An act for taking down the present market house, and certain other buildings, in the town of Uxbridge, for the purpose of widening The High Street; and for paving the foot-ways, and lighting and cleansing the streets and other places within the said town, and removing and preventing nuisances and annoyances therein; and for changing the course of the road between Mercer's Bridge and High Bridge; and for rebuilding the said market house.

Powers of the act to be exercised by a majority of trustees, who may appoint officers, and allow them salaries, and to take security from their treasurer, and may treat for the purchase of houses, &c. Incapacitated persons impowered to sell and convey. If such persons refuse to treat, &c. a jury to be summoned. Jurors may be challenged. Verdict of jury, &c. to be binding; and to be registered. Sheriff, &c. neglecting his duty, may be fined 10*l.* jurymen 5*l.* On payment of purchase money, premises to be conveyed. On default thereof, or if any defect in the title, the purchase money to be placed out for the use of the persons entitled thereto. Purchase money for premises in settlement, to be laid out to the like uses. Trustees having obtained possession of houses, to cause the same to be pulled down, and materials so'd, for the purposes of the act. After the street is widened, trustees to cause a market place to be set out, and market house built. New market house, when built, vested in the lords of the manor of Uxbridge. Power to change the course of the road. Pavements, &c. vested in the trustees. Trustees impowered to cause the streets to be paved, &c. No person to alter the pavement. Power to provide lamps. Penalty on wilfully breaking lamps, &c. not more than 40*s.* nor less than 10*s.* Persons accidentally breaking lamps, &c. to make good the damage. Signs, &c. to be regulated. Trustees not to remove trees, &c. where the carriage-way is thirty feet wide. Application of the money subscribed to pay expenses, and the overplus (if any) to be laid out for the benefit of subscribers. Statute duty and composition, and contribution in lieu thereof, to continue to be performed and paid. Surveyor to be appointed. Surplus of the composition and contribution money (after repairing the roads) to be applied in paving the foot-ways, &c. Penalties and forfeitures to be recovered by distress and sale of goods, and to be applied for the purposes of the act. Persons aggrieved may appeal to the quarter sessions; giving fourteen days notice. Limitation of actions. General issue. Treble costs. Not to diminish the rights of the lords of the manor. Publick act.

C A P. XVII.

An act to enable the house of commons to authorize the select committee, appointed to try the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election for the county of Bedford, to proceed in case the said select committee shall be reduced to a less number than is prescribed by an act, made in the tenth year of the reign of his present Majesty, intituled, An act to regulate the trials of controverted elections, or returns of members to serve in parliament.

WHEREAS the select committee appointed to try and deter- Preamble.

mine the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election and return for the county of Bedford, have made a considerable progress in the matters to them referred, but are now, by the indisposition of two of the members of the said select committee, reduced to thirteen; and if the said committee should be further reduced, by the indisposition or death of any of the members remaining on the said select committee, the same would be dissolved, which would be attended with manifest injury and inconvenience to the parties concerned; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if the said select committee shall, by the indisposition or death of any of the said members of the said select committee, be further reduced to eleven, it shall be lawful for the house of commons, upon application made to them for that purpose, to authorize and direct the said select committee to proceed in the matters referred to them, and report upon the same; which report shall be deemed to be as valid as if the number of the said select committee had not been reduced to eleven; any thing in an act made in the tenth year of the reign of his present Majesty, (intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*), to the contrary thereof in any-wise notwithstanding.

If the committee shall be reduced to 11, the house of commons may direct them to proceed, and to make report.

C A P. XVIII.

An act to empower the justices of oyer and terminer and gaol delivery of Newgate for the county of Middlesex, to continue to hold a session of gaol delivery of Newgate, begun to be holden before the effoign day of term, and sitting of the king's bench at Westminster, notwithstanding the happening of such effoign day, or the sitting of the said court of king's bench at Westminster, or elsewhere in the said county of Middlesex.

WHEREAS, by the present law of this realm, the power Preamble.
and authority of justices, appointed and authorized under and by virtue of any commission of oyer and terminer, or any commission of gaol delivery awarded into and for any county or place, are suspended
by

by the coming and fitting of his Maſteſty's court of king's bench in ſuch county or place: and whereas it hath oftentimes happened that the gaol of Newgate in London hath not been delivered of all the priſoners in it, nor the buſineſs of a ſeſſion of gaol delivery of the ſaid gaol of Newgate for the county of Middleſex, finally concluded before the eſſoign day of term, and the fitting of his ſaid Maſteſty's court of king's bench at Weſtminſter in the ſaid county of Middleſex, by reaſon whereof divers priſoners in the ſaid gaol of Newgate have remained untried at ſuch ſeſſion, and have been kept and continued in the ſaid gaol until the following ſeſſion, to the great inconvenience of the publick, to the maniſeſt hindrance and delay of juſtice, to the prevention of ſpeedy and condign puniſhment being inflicted on offenders, and to the great increaſe of the number of priſoners confined in the ſaid gaol, from which the moſt alarming and dangerous conſequences are at times dreaded and likely to enſue: may it therefore pleaſe your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the third day of May, one thouſand ſeven hundred and eighty-five, when any ſeſſion of oyer and terminer and gaol delivery of the ſaid gaol of Newgate for the ſaid county of Middleſex, ſhall have been begun to be holden before the eſſoign day of any term, that the ſame ſeſſion ſhall and may be continued to be holden, and the buſineſs thereof finally concluded, notwithstanding the happening of ſuch eſſoign day of any term, or the fitting of his Maſteſty's ſaid court of king's bench at Weſtminſter, or elſewhere in the ſaid county of Middleſex; and that all trials, judgements, proceedings, acts, deeds, matters and things whatſoever, and all proceedings, acts, deeds, matters and things, in purſuance of ſuch judgements had, made, and done at ſuch ſeſſion ſo continued to be holden after the eſſoign day of any term, or the fitting of his ſaid Maſteſty's court of king's bench at Weſtminſter, or elſewhere in the ſaid county of Middleſex, ſhall be good, valid, and effectual in law, and deemed, reputed, and taken to be ſo, to all intents and purpoſes whatſoever; any law, uſage, or cuſtom, to the contrary thereof in any wiſe notwithstanding.

After May 3, 1785, ſeſſion of gaol delivery of Newgate for Middleſex, not to be diſcontinued by the fitting of the court of king's bench, &c.

Publick act.

II. And be it further enacted by the authority aforeſaid, That this act ſhall and ſhall be deemed and taken to be a publick act,

C A P. XIX.

An act for appointing commiſſioners to enquire into the fees, gratuities, perquiſites, and emoluments, which are, or have been lately, received in the ſeveral publick offices therein mentioned; to examine into any abuſes which may exiſt in the ſame; and to report ſuch obſervations as ſhall occur to them, for the better conducting and managing the buſineſs tranſacted in the ſaid offices.

Publick.

WHEREAS it is highly expedient for the publick ſervice, that an enquiry ſhould be made reſpecting the expences in the different

different offices and departments of his Majesty's government herein-after mentioned, and the fees, gratuities, perquisites, and emoluments, received and taken therein, with a view to such regulations as shall be judged expedient and proper for the correction of abuses which may have arisen, and to effect such savings as may be made in each; that is to say, The offices and departments under the management of the commissioners of his Majesty's treasury, the commissioners for executing the office of lord high admiral of Great Britain, his Majesty's principal secretaries of state, the master general, the lieutenant general, the surveyor general, and officers composing the board of ordnance, the paymaster general of his Majesty's forces, his Majesty's secretary at war, the treasurer of his Majesty's navy, the commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, the commissioners of the customs in England and Scotland respectively, the commissioners of the excise in England and Scotland respectively, the commissioners for sick and hurt seamen, the commissioners for taxes, the commissioners for stamps, the commissioners for salt duties, the postmaster general, the surveyor general of the land revenue, the auditors of the land revenue, the surveyor general of woods and forests, the commissioners for hackney coaches, and the commissioners for hawkers and pedlars: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the lords commissioners of his Majesty's treasury, for the office of the treasury, for the office of paymaster general of his Majesty's forces, the offices of customs and excise in England and Scotland respectively, the offices of taxes, stamps, and salt duties, the offices of the postmaster general, surveyor general, and auditors of the land revenue, surveyor general of the woods and forests, and also for the offices for hackney coaches, and for hawkers and pedlars, respectively; that the commissioners for executing the office of lord high admiral of Great Britain, for the admiralty, for the treasurer of the navy, for the offices of the navy and victualling, and for sick and hurt seamen, respectively; and the principal secretaries of state for their several offices, the master general of the ordnance for the office of ordnance, his Majesty's secretary at war for his office, shall, with all convenient speed, lay the returns of the fees, gratuities, perquisites, and emoluments, usually taken, demanded, or received, by any clerk or officer within any of the before-mentioned offices or departments respectively, or copies thereof, together with copies of the annual establishments, and also of the incident bills for defraying the contingent expences of the said offices or departments, as they respectively stood in the year one thousand seven hundred and eighty-two, or in such preceding and subsequent years as they shall judge most convenient, before sir John Dick baronet, and William Mallett esquire, comptrollers of the army accounts, together with Francis Baring esquire, who are hereby constituted commissioners for making the enquiries intended by this act: and that the said commissioners, their duty.

Lords of the treasury, &c. to lay returns of fees, &c. taken in their respective departments, before the commissioners herein-after named.

Names of commissioners:

or

or any two of them, ſhall, and they are hereby required to take into their conſideration all the ſaid returns, eſtabliſhments, and incident bills, and ſhall proceed thereupon according to ſuch inſtructions and directions as they ſhall from time to time receive from the King's moſt excellent majeſty in council; and the ſaid commiſſioners ſhall, from time to time, report and certify their proceedings, in writing under the hands and ſeals of them, or any two of them, to the king in council, upon each office or department, ſpecifying what officers and clerks belong to or are employed in the ſame, and what is the duty, ſervices, and attendance required of them, together with the fees, gratuities, perquiſites, and emoluments, which the ſaid officers and clerks, or their ſubſtitutes or under clerks, may or ought lawfully to have and take for or in reſpect of their ſeveral offices and places; adding, at the ſame time, ſuch obſervations as ſhall occur to them, and ſuch plans, either for correction and improvement, or for abolishing or regulating any of the ſaid fees, gratuities, perquiſites, and emoluments, or for carrying into execution the general purpoſes of this act, as may appear to them proper to be adopted for the time to come; and in particular, the ſaid commiſſioners ſhall, in all caſes in which they ſhall be of opinion that any fees ought to continue to be taken in any of the ſaid offices or departments, conſider and report whether it will be practicable to appoint a perſon to receive and diſtribute the ſame, under the directions of the ſeveral boards or principal officers, in ſuch manner, and in ſuch proportions, as ſhall be hereafter ſettled.

Commiffion-
ers may take
examinations
on oath;

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two of them, and they are hereby impowered, authoriſed, and required, to examine upon oath (which oath they, or any two of them, are hereby authoriſed to adminiſter) the ſeveral perſons employed under the lords commiſſioners of his Majeſty's treaſury, the commiſſioners for executing the office of lord high admiral, the principal ſecretaries of ſtate, the maſter general of the ordnance, and his Majeſty's ſecretary at war, and the ſeveral perſons in any other of any of the offices or departments before mentioned, whom they ſhall think fit to ſummon at ſuch time or times as ſhall be fixed, on application to be made to the principals of the ſaid offices for ſuch purpoſe, and all other perſons who have had any dealings or tranſactions with the ſaid offices, or the representatives of ſuch perſons, whom the ſaid commiſſioners, or any two of them, ſhall think fit to examine, touching the fees, gratuities, perquiſites, and emoluments taken therein, and touching all other matters and things neceſſary for the execution of the powers veſted in the ſaid commiſſioners by this act; all which perſons are hereby required and directed punctually to attend the ſaid commiſſioners, at ſuch time and place as ſhall be appointed, and alſo to obſerve and execute ſuch orders and directions as the ſaid commiſſioners, or any two of them, ſhall make or give for the purpoſes before mentioned.

III. And

III. And be it enacted by the authority aforeſaid, That the ſaid commiſſioners, or any two of them, ſhall be, and are hereby impowered to examine into any corrupt and fraudulent practices, or other miſconduct, as far as relates to the purpoſes intended by this act, committed by any perſon or perſons concerned in the management of any of the offices or departments herein-before mentioned: and, for the better execution of this preſent act, the ſaid commiſſioners, or any two of them, are hereby authoriſed to meet and ſit, from time to time, in ſuch place or places within the cities of *London* and *Weſtmiſter*, as they ſhall find moſt convenient, with or without adjournment, and to ſend their precept or precepts, under their hands and ſeals, for any perſon or perſons whatſoever, and for ſuch books, papers, writings, or records relating to any of the offices or departments herein-before mentioned, as ſhall be neceſſary for carrying into execution the purpoſes of this act.

and may ſend
for perſons,
papers, and
records.

IV. And be it further enacted, That the ſaid commiſſioners named in this act, before they enter upon the execution of the ſame, ſhall take an oath, before the chancellor of the exchequer for the time being (which he is hereby authoriſed and required to adminiſter), the tenor whereof ſhall be as followeth; that is to ſay:

Commisſion-
ers to be
ſworn.

I A. B. do ſwear, That, according to the beſt of my ſkill and knowledge, I will faithfully, impartially, and truly, execute the ſeveral powers and truſts veſted in me by an act for appointing commiſſioners to enquire into the fees, gratuities, perquiſites, and emoluments, which are, or have been lately, received in the ſeveral publick offices therein mentioned; to examine into any abuſes which may exiſt in the ſame; and to report ſuch obſervations as ſhall occur to them, for the better conducting and managing the buſineſs tranſacted in the ſaid offices; according to the tenor and purport of the ſaid act.

Their oath.

V. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons, upon examination upon oath before the ſaid commiſſioners reſpectively, as before mentioned, ſhall wilfully and corruptly give falſe evidence, every ſuch perſon ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be, ſubject and liable to ſuch pains and penalties as, by any law now in being, perſons convicted of wilful and corrupt perjury are ſubject and liable to.

Penalty on
giving falſe
evidence.

VI. And be it further enacted by the authority aforeſaid, That in caſe of a vacancy or vacancies by death or reſignation of any one or more of the ſaid commiſſioners, during the continuance of this act, it ſhall and may be lawful for his Majeſty to nominate and appoint ſuch perſon or perſons as he may think proper, to ſupply ſuch vacancy or vacancies; and that every perſon ſo nominated and appointed (having taken the oath of office above mentioned) ſhall be held and conſidered to

On death, &c.
of a commiſ-
ſioner, his
Maſteſty may
appoint a ſuc-
ceſſor.

be

be invested with all the fame powers as are delegated to the commissioner appointed by this act, in whose room fuch person is fo nominated.

Continuance
of this act.

VII. And be it further enacted, That this act fhall continue in force until the end of the next feflion of parliament.

C A P. XX.

An act for appointing commissioners to put in execution an act of this feflion of parliament, intituled, "An act for granting an aid to his Majefty by a land tax, to be raifed in Great Britain, for the fervice of the year one thoufand feven hundred and eighty-five;" together with thofe named in three former acts for appointing commissioners of the land tax, and with thofe named in the land tax act of the twenty-third year of his Majefty's reign, and in the land tax act of this feflion of parliament.

C A P. XXI.

An act to render more effectual feveral acts of parliament, for erefting hospitals and workhoufes, within the city and county of the city of Exon, for the better employing and maintaining the poor there; and to raife further fums of money for the better carrying the purpofes of the faid acts into execution.

Recital of 9 & 10 Gul. 3. private act, No. 33. Act of 31 Geo. 2. c. 53. 2 Geo. 3. c. 20. refpefting militia. 14 Geo. 3. c. 61. empowering corporation of the poor to raife further money. Not more than 3,300l. per ann. raifed in purfuance of the laft act. Corporation impowered to raife 8,600l. within a certain time. Not more than 1,200l. to be raifed in either of the two firft, nor in any fucceeding year more than 1,100l. to be raifed by the governor, &c. of the poor of Exon, by an equal taxation. To be applied towards difcharging debts, &c. Parifh officers to collect, and on nonpayment to diftrain and imprifon. Yearly meetings to raife money on the fecond Tuefday in June yearly. Deficiency arifing by nonpayment of affeffments, to be certified refpectively to the corporation; and to be made good by re-affeffment. Corporation impowered, in cafe of neglect or refusal of the mayor, juftices, &c. to iflue their warrants for levying affeffments, to levy the fame by diftreffes and fale. Corporation to afcertain what weekly, monthly, or other fum neceffary for maintenance of the poor. No perfon to be abated in affeffment, fo as to reduce the fame under the weekly rate of two-pence, unlefs upon application to the mayor, juftices, &c. Clause in former act refpefting charitable gifts, &c. repealed. Difqualification of guardians, if made aldermen, or removing out of city or county for one year, or do not attend courts for one year, or be bankrupt, or difcharged as an infolvent debtor, or compound his debts, or do not pay 3d. per week poors rates. Out-patients of the Devon and Exeter hospital to be maintained by their refpective parifhes. In-patients to be provided with clothes by their refpective parifhes. Recital that the annual income of 3,300l. is infufficient for the poor. Commissioners to be elected by their refpective parifhes. If no inhabitant within any particular parifh qualified to be elected commissioner, power to elect from any other parifh. Names of commissioners to be returned to the clerk of the corporation, who is to enter the fame in a book to be kept for the purpofe. New election, in cafe of death, or difqualification of commissioners. Commissioners to be fummoned to attend meetings. Commissioners to be convened at a general court before any money levied above the annual affeffment of 3,300l. and 8,600l. If commissioners neglect to attend general court, or be equally divided in opinion, or neglect to determine on the fum to be borrowed, corporation to apply to the quarter feflions. Treafurer to account within fix months after the

the expiration of his office, or in default to be committed. Commissioners impow'ed to inspect accounts, and visit work-houses, &c. If guardians neglect to attend, commissioners may visit, and make report. No person to supply the workhouse with any kind of provisions, except articles of manufacture, utensils, or other matters, above 50l. in value, unless by public contract. Penalties and forfeitures to be levied by distress. Persons or parishes over-rated may appeal to the quarter sessions. The mayor, &c. obli'ed to convey the tolls of the market or security of any money for setting the poor to work. Continuation of former acts. This act not to annul proceedings under former acts. Charges of this act to be paid out of the first money arising thereby. Limitation of actions in six months. General issue. Treble costs. Publick act.

C A P. XXII.

An act for repealing so much of an act made in the last session of parliament as relates to the distillation of corn spirits in small stills, in certain counties or districts of the highlands in that part of Great Britain called Scotland; and for authorising the commissioners of excise in Scotland to grant licences, to persons living in the said counties or districts, to distil spirits from barley, bear, or big, the growth of the said counties; and for imposing a duty on such licences.

WHEREAS by an act passed in the last session of parliament, Preamble. (intituled, An act to discontinue, for a limited time, the ^{24 G. 3.} payment of the duties upon low wines and spirits for home con- ^{c. 45} sumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *British* spirits, as well for home consumption as for exportation; and for destroying all home made and foreign spirits, after the condemnation thereof; and for vesting in his Majesty the duties of excise within the lands of *Ferintosh*, in the county of *Inverness*; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*); it was, among other things, enacted, That it should and might be lawful for the commissioners of the excise, in that part of Great Britain called Scotland, or the major part of them, notwithstanding the several former acts and statutes then subsisting in relation to the distilling and manufacturing spirits from corn, and notwithstanding the provisions and regulations in that act, to authorize and empower such number of persons as they should judge proper and expedient, within the highland parishes or districts of the counties therein-mentioned, to erect, keep, and work stills, the cubical contents of which, including the head, should not exceed twenty gallons, English measure, or at the most thirty gallons, nor in any case be of less than the first mentioned size: and whereas it now appears that the purposes which the said act was intended to answer, with respect to the revenue, and the improvements of agriculture in the parishes and districts aforesaid, have been in a great measure defeated by the variety of restrictions therein contained, and particularly by the size of the stills being too small; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this

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So much of the recited act, as respects the highlands of Scotland, repealed.

present parliament assembled, and by the authority of the same, That so much of the said act as particularly respects the highland counties of *Scotland*, shall be, and the same is hereby repealed, and that no action for penalties incurred shall be brought in terms thereof.

Licences may be granted annually, by the commissioners of the excise in Scotland, within certain bounds, for distilling corn spirits.

II. And be it further enacted by the authority aforesaid, That upon the first day of *December*, one thousand seven hundred and eighty-five, or as soon as may be in the course of that month, and so from year to year thereafter, it shall and may be lawful to and for the commissioners of his Majesty's excise in *Scotland*, or the major part of them, by licences under their hands, to authorise persons, qualified as herein after mentioned, within the several counties of *Orkney, Caithness, Sutherland, Ross, Cromarty, Inverness, Argyle, Bute, Stirling, Clackmannan, Perth, Dumbarton, Aberdeen, Fife, Kinross, Banff, Nairn, and Elgin*, (excepting those parts of the counties of *Dumbarton, Stirling, Clackmannan, and Perth*, herein-after described), to erect, keep, and work stills, the cubical contents of which respectively shall not be less than thirty, nor more than forty gallons of *English* measure, including their respective heads, and to distil and draw off spirits from the barley, bear, or big, of the growth of the said counties, during the term of one year, and for no longer or shorter space, from the date of the commission or licence, and to use, sell, and dispose of the spirits so distilled, subject to the restrictions and regulations, and on payment of a composition or licence duty at the rate of twenty shillings sterling for each *English* gallon of the content of such still, for the space aforesaid, and that in place of the whole rates and duties imposed on the distilling of corn spirits, and upon the malt or grain from which the spirits are extracted; but declaring that the licensed distillers shall not be allowed any drawback or deduction from the above duty, on account of their, or either of them, having bought from any entered maltster any part of the malt to be used by them, and for which the ordinary duties upon malt have been paid, or are due.

Size of the stills.

The heritors of each parish to assemble, and make out a list of persons proper to be licensed.

III. And, for the better ascertaining the persons to whom such licences may be granted, the condition under which they are to be obtained, and the powers of the commissioners of excise, and others, with respect to the granting thereof, be it enacted by the authority aforesaid, That, within two months after the passing of this act, the heritors of each parish, within which such licensed stills are to be permitted, or persons duly authorised to act for them, shall assemble in the parish church, previous notice of the day and hour and purpose of such meeting being given by advertisement, signed by the collector of the excise of the bounds, and by one or more of the principal heritors of the parish, or their factors, and affixed on the church doors for two *Sundays* preceding the day of meeting; and shall proceed by a majority of the voices, not in point of number, but according to the extent of their valued rents, so that those who collectively shall have the greatest extent of valued rent, shall be deemed to have the majority

majority of voices, to make out a liſt of the perſons within the ſaid pariſh to whom ſuch licences may moſt properly be granted; which liſt the preſes or clerk of the meeting ſhall forthwith tranſmit to the commiſſioners of exciſe at *Edinburgh*, and a copy thereof to the collector of exciſe within whoſe bounds the ſaid pariſh lies; and the ſaid commiſſioners ſhall have power to limit the licences to be granted, in conſequence of the ſaid liſts, to ſuch number as they ſhall judge the particular circumſtances and population of each pariſh or county ſhall require, provided the number be not leſs than two for each pariſh, if ſo many ſhall be demanded by the heritors; which being done, the ſaid commiſſioners ſhall, without delay, return the ſaid liſts, ſo approved of or reſtricted, to the different collectors of exciſe, with orders to give immediate notice thereof, to the perſons to whom licences are to be granted, and to require them to find ſecurity, as herein-after mentioned.

IV. And be it enacted, That, in all ſucceeding years, the heritors of each pariſh ſhall aſſemble for the purpoſe of making out the liſts as aforeſaid, in the firſt or ſecond week of *May*, at the pariſh church, previous notice being given of the precise day and hour of meeting by advertisement on the two preceding *Sundays* as aforeſaid; which liſts ſhall be tranſmitted to the commiſſioners of exciſe, in the manner before directed, who ſhall, without delay, give notice to the reſpective collectors of exciſe of the bounds, to what extent the liſts are approved of, and who are to be intitled to licences, on the firſt day of *December* following, or as ſoon after as may be in the courſe of that month; and the collector or collectors ſhall in like manner forthwith give the ſame notice to the perſons who are to receive the licences: and if, from neglect or inattention, no liſt ſhall be tranſmitted from the heritors of any pariſh to the ſaid commiſſioners the ſaid commiſſioners ſhall nevertheless give orders to the collectors of exciſe of the bounds to iſſue licences for the enſuing year to ſuch perſons as they ſhall think proper, the number of which perſons ſhall not be leſs than two, as before mentioned, if ſo many are demanded; and thoſe perſons who held them for the preceding year ſhall have the preference, on paying the former compoſition, and complying with the other regulation herein-after mentioned.

V. Provided always, and it is hereby ſpecially provided and declared, That no licence ſhall be granted to any perſon to erect or work any ſtill under this act, within ten *Engliſh* ſtatute miles of any diſtillery regularly entered according to the laws of exciſe, and provided ſuch entered diſtiller has paid yearly, for the two preceding years, duties to the extent of eight hundred pounds ſterling yearly, and is going on in the ſame buſineſs; or who, being in that buſineſs, and within the diſtance aforeſaid, ſhall require the ſuppreſſion of a ſmall ſtill, and give obligation, with ſufficient ſecurity, that the duty to be impoſed upon the diſtillery, carried on by him, her, or them, ſhall amount to at leaſt the ſaid yearly ſum of eight hundred pounds

Liſts to be tranſmitted to the commiſſioners of exciſe at *Edinburgh*.

Heritors to aſſemble, after the preſent year, in the month of *May*.

If heritors neglect to tranſmit liſts, commiſſioners to licence ſuch perſons as they think proper.

Power of granting licences limited.

ſterling for two years to come, the diſtance to be computed by the actual publick road, or by any uſual ferry or paſſage by water.

Certain conditions to be complied with by every perſon applying for a licence.

VI. Provided alſo, That no perſon ſhall be intitled to a licence under this act who ſhall not, at the time of his or her application, produce a recommendation from the heritor on whoſe property he or ſhe lives, or his factor, and a certificate of his or her being a perſon of good character, and reputed in good circumſtances, together with the name or names of the perſon or perſons propoſed to be given as ſecurity for the payment of the duty hereby impoſed upon his licence, and of the further ſum of fifty pounds ſterling, to answer the payment of ſuch penalties as he or ſhe may incur.

Perſons who are to obtain licences ſhall give ſecurity to the collector of the duty.

VII. And be it further enacted, That when the perſons who are to obtain licences in any particular pariſh are thus aſcertained, they ſhall be obliged to find ſecurity, to the ſatisfaction of the collector or exciſe of the bounds, that they ſhall take out their licences at the time and in the manner before directed, and ſhall make payment of one quarter of the ſaid licence duty at the time when the licence ſhall be delivered to them, and of another quarter of the ſame at the end of each three months then aſter, till the whole twenty ſhillings is paid for the year's licence; and in caſe they, or either of them, fail to give ſuch ſecurity, or that leaſt one cautioner bound for him, to the ſatisfaction of the collector as aforeſaid, the perſon ſo failing ſhall not be intitled to the licence, but in that caſe it ſhall be in the power of the ſaid collector to grant a ſimilar licence to any other perſon within the ſame pariſh who ſhall appear to him ſufficiently qualified for the purpoſe, and who is willing to pay and find ſecurity as aforeſaid, the collector or exciſe always preferring thoſe who have been recommended by the heritors; and that each licence ſo to be iſſued as aforeſaid, ſhall ſpecify the name and place of reſidence of the perſon who obtains it, the place at which the ſtill is to be erected, the ſize of ſuch ſtill, together with an acknowledgement of the licence duty to the above extent being paid, and ſecurity found for the penalty, as before directed.

Licence to ſpecify the name and reſidence of the perſon who obtains it with the ſize of the ſtill, etc.

VIII. And whereas the ſaid privilege and exemption are hereby granted for the purpoſe of promoting agriculture and improvement in the ſaid high-land counties and diſtricts, and for accommodating the inhabitants thereof with ſpirits drawn from their own grain at moderate rates; and it has been computed that a ſtill of forty gallons, wrought in the manner known and practiſed in thoſe diſtricts of the county, and during that part of the year in which it will commonly be in their power to work them, will manufacture into good ſpirits two hundred and fifty bolls, Lanthgow meaſure, of the barley, bear, or big, of theſe counties, and no more, which will produce, at an average, one thouſand ſix hundred and ſixty gallons of pure ſpirits, and that the produce of ſmaller ſtills will be in a ſimilar proportion; be it therefore enacted, That when a licence ſhall be taken out, and the compoſition duty paid, for a ſtill of forty gallons, ſuch duty

Computation of the quantity of grain

duty ſhall be held to be a compoſition for the duty on malt to the extent of two hundred and fifty bolls, *Linlithgow* meaſure, and no more, and for the duty on the ſpirits manufactured in ſuch ſtill to the extent of one thouſand ſix hundred and ſixty gallons *Engliſh*, and no more; and when a licence ſhall be taken out, and the compoſition duty paid, for any ſtill of a leſſer ſize, the like proportion ſhall be obſerved both as to the quantity of malt, and the quantity of ſpirits for which ſuch duty ſhall be held to be a compoſition; and that for all malt which ſhall be uſed or made by ſuch licenſed diſtiller, over and above the ſaid quantity, and for all ſpirits which ſhall be manufactured from ſuch ſtills, over and above the quantity aforeſaid, there ſhall be paid the ſame duties to which the entered maltſter and diſtiller aſſe, by the laws of exciſe, liable.

made into ſpirits yearly by a ſtill of ſuch ſize, and of the ſame produce therefrom.

Duty to be paid for all malt and ſpirits exceeding thoſe quantities.

IX. *And, for the more effectually ſecuring to his Maſteſty's revenue the payment of the above-mentioned duties, for all ſpirits which the owners of ſuch ſtills ſhall be able to manufacture beyond the quantity correſponding as aforeſaid, to the reſpective ſizes of the ſtills, be it enacted by the authority aforeſaid, That the officers of exciſe ſhall at all times have full liberty to enter into and ſurvey the malt barns and diſtilleries belonging to ſuch licenſed diſtiller, and to keep an exact account of the malt and ſpirits manufactured therein, and to charge with the uſual duty all malt, made or uſed therein, exceeding the quantity of two hundred and fifty bolls in the year, and all ſpirits exceeding in quantity one thouſand ſix hundred and ſixty gallons annually; and that no ſpirits ſhall, from and after the ſaid firſt day of December, one thouſand ſeven hundred and eighty-five, be allowed to paſs or be carried from one place to another within the counties or diſtricts aforeſaid, to which counties or diſtricts the ſale of the ſpirits to be manufactured in the ſtills to be licenſed under this act is hereby expreſſly reſtricted, without being accompanied with a permit from the proper officer, expreſſing the quantity ſo permitted to paſs, and alſo mentioning that the ſame is the produce of a licenſed ſtill; that the owner or owners of ſuch licenſed ſtill or ſtills ſhall, in conſideration of the annual compoſition paid by him, her, or them, be entitled to demand free permits, in the courſe of the year for which ſuch licences are held, for the quantity of ſpirits before expreſſed as the produce of a ſtill containing forty gallons, and for a proportional quantity if the ſtill be of a leſſer ſize, but for no more, allowing them to paſs any where within the ſaid counties or diſtricts; and in ſo far as permits are demanded for a greater quantity, they ſhall only be obtained on payment of the duties chargeable by law on the entered diſtillers and maltſters.*

Excise officers may enter and ſurvey malt barns and diſtilleries, and charge with the uſual duty all ſuch malt, etc. manufactured therein.

From Dec. 1, 1785, no ſpirits to be removed, within the before-mentioned diſtricts, without a permit.

X. *And, for the more effectually preventing the ſpirits which may be diſtilled by virtue of this act, from interfering with or prejudicing the trade of the entered diſtillers, who carry on their buſineſs ſubject to the payment of theſe duties which are impoſed by the laws of exciſe; be it enacted, That no ſtill ſhall be licenſed in the counties of Dumbarton, Stirling, Clackmannan, and Perth, to the eaſt or*

No ſtills to be licenſed in certain parts.

of the coun-
ties of Dum-
barton, Stur-
ling, &c.

right hand of a line beginning at the boat of *Balach*, where *Loch Lomond* runs into the river *Leven*, and proceeding along the great military road from thence by *Buckburn*, to the town of *Strithly*; and from thence along the great road called *Hillfoot Road*, on the south side of the *Oldell Burn*, till it meets with the great road from *Kerry* to *Perth*, and along the same till it comes to the bridge of *Lana*, and along the water of *Lana* till its junction with the river *Tay*; and along that river till it joins the *Clackmannan* ocean; and that no spirits, the produce of such licensed stills, shall be allowed to pass, either with or without permit, into the southern parts of the kingdom, either by land across the line above expressed, or by water carriage from the coasts or ports of any of the counties mentioned in this act; and that all spirits, distilled to the west and north of the above line, the produce of such licensed stills, or not produced by stills entered in the manner directed by the laws of excise, that shall be found passing to or in other parts of the kingdom, either with or without permit, shall be liable to seizure by the proper officers, to be disposed of by them in the same manner as other spirits so seized are directed to be disposed of by the laws of excise.

Spirits, the
produce of
licensed stills,
removed to
the southern
parts of the
kingdom,
liable to
seizure.

Penalty on
licensed dis-
tillers for
having in
their posses-
sion stills
larger than
those com-
pounded for;

XI. And it is hereby enacted by the authority aforesaid, That every licensed distiller having in his possession or using a still of larger dimensions than those for which he has obtained a licence, and paid a composition, shall be subject to a farther duty of two pounds sterling for each gallon such still shall contain, over and above the quantity specified in his licence; and if such surplus shall exceed three gallons *Pro 1/2*, he shall forfeit such still, and all the utensils thereto belonging, together with his licence, and be liable to a penalty of twenty pounds sterling; and further, if he shall be convicted of having in his possession any other still than that for which he has obtained a licence, he shall in like manner forfeit his licence, and be subject to a penalty of fifty pounds sterling, and each unlicensed still shall be seized and forfeited; and every licensed distiller, who shall be convicted of using any grain, not the growth of the counties above-mentioned, or some one of them, shall forfeit five shillings *per bushel* for all such grain or malt, and shall in like manner forfeit his still and utensils, and his licence.

or on disp-
ing of any
malt, &c.

XII. And it is hereby declared, That no licensed distiller or distillers shall sell or dispose of any malt, under any pretence whatever, nor have in his, her, or their custody, any corn spirits other than those of their own manufacture, unless the same shall have been purchased from an entered or licensed distiller, and accompanied with a regular permit; and if he, she, or they, shall act contrary hereto, he, she, or they, shall forfeit their licence and utensils, and double the value of the said malt and spirits.

XIII. And whereas the licensed distiller is entitled by this act to a free permit to the extent of one thousand six hundred and sixty gallons of spirits, for a still of forty gallons, and so in proportion for one of a lesser

a lesser size, being the full quantity for which the above composition is meant to be paid; it is declared, That no spirits shall be removed from the place they are distilled at, without a permit; and that all spirits carrying from one place to another, without permit, shall be seized and forfeited.

No spirits to be removed from the place where distilled, without a permit.

XIV. And, in order the more effectually to prevent the use of stills, of any other size than those allowed by the laws of excise, or those authorized by this act, and the distilling of corn spirits by any persons other than those qualified according to law, or who shall hereinafter be in pursuance of this act, be it enacted, That, from and after the

Directions relative to the making of stills.

passing of this act, no still shall be made or offered to sale for home use, without having stamped or engrailed thereon the maker's name, and place of residence, with its cubical content expressed by the number of gallons, under a penalty of ten pounds sterling on the maker or seller of every still made or sold contrary to this provision; and also, that all stills made for the use of chymists, druggists, or pertumers, shall in the same manner be marked, *Chymists, Druggists, or Pertumers Still*; and that no person shall sell, for home use, a still of the dimensions permitted to be licensed by this act, except to persons who possess licences in pursuance thereof, or on seeing a certificate, from the collector of the bounds, of their licence being ordered by the commissioners of excise; and further, That if any still shall be found, on the said first day of December next, in the possession of any person residing within any of the before-mentioned counties or districts, not having the name and place of the maker, its contents, or number of gallons, expressed upon it as herein-before directed; or if its dimensions be of a kind not allowed by law to be used in the distillation of corn spirits, not marked as a druggist's, chymist's, or pertumers still, such still shall be liable to seizure by any officer or officers of excise, who are hereby directed to destroy the same; and the materials of all such illegal stills, so seized and destroyed, shall be sold by or under the direction of the collector of the bounds, and the money arising from such sale shall be disposed of in like manner as the penalties herein-after mentioned are directed to be disposed of.

Stills made contrary thereto, may be seized and destroyed.

XV. And be it further enacted, That the licensed distiller, on the expiration of his licence, unless the same shall be renewed within eight days after such expiration, shall be obliged to deposit his still with the officer of the district, or to dispose of it in the view and presence of the said officer, to some other person taking out a licence, or to the original maker thereof; and in case of his failing so to do, or using the said still during the said eight days, he shall be considered as an illicit distiller, and be liable to the same penalties.

Stills how to be disposed of, after the expiration of licence.

XVI. And be it further enacted by the authority aforesaid, That the commissioners of excise may withdraw the licences, or restrict their number, in all or any of the counties before-mentioned, during the course of any year, upon an application from the commissioners of supply of such county, assembled at

Commissioners of excise may withdraw licences, or restrict their number, upon

application
from the com-
missioners of
supply.

a meeting previously advertised and called for the purpose, by the convenor of the county, certifying, as the ground of such application, that there are probable grounds for apprehending a scarcity of grain; and in case the licences shall be withdrawn, the licensed distillers shall be respectively intitled to a return or abatement of a proportion of the duty which had been paid for such licences; and in case a restriction only shall be imposed, such restriction to be proportionably laid on all the parishes of the county.

Penalties and
forfeitures
how to be re-
covered and
applied.

XVII. And it is hereby further enacted, That all penalties and forfeitures imposed by this act, shall and may be sued for before any two of his Majesty's justices of the peace within the county, where the offence shall be committed, whose sentence shall be subject to review only by the justices of the county in their quarter sessions, or before the barons of his Majesty's court of exchequer, but before no other court; and that the said penalty and forfeiture shall be sued for and recoverable by any of the officers of excise, or any of the expectants of excise, or any member of the kirk sessiⁿ in the parish within which the offender lives, or by any licensed distiller within the same parish or county; and the one half of the said penalties and forfeitures shall go to the poor of the parish within which the offence is committed, and the other half thereof to the prosecutor, and of which there shall be no power of mitigation; and all actions for the recovery thereof shall be commenced within six months after such offence has been committed.

Limitation of
actions.

C A P. XXIII.

An act for better paving, cleansing, lighting, and watching the streets, lanes, yards, courts, alleys, and passages, within that part of the parish of Saint Mary Magdalen, Bermondsey in the county of Surrey, called The Water-side Division, and for removing and preventing nuisances, and annoyances therein; and for lighting and watching certain parts of and belonging to the turnpike road leading from the east end of New Street, in Southwark, to Deptford, in the county of Kent, within the said Water-side Division of the said parish, therein mentioned.

Commissioners appointed for putting this act in execution. Qualification of commissioners, 50*l*. per ann. or 100*l*. personal estate. Penalty on acting, not being qualified, 50*l*. Vicar's incapable of being commissioners. Meetings to consist of 5 or more commissioners. Accommodations. Commissioners to pay their own expenses. Commissioners may appoint officers, and allow them salaries. Officers to account. If balance be not paid, it may be levied by distress. On failure of distress, etc. offender may be committed. Limitation of imprisonment, six months. Officers taking fees, as being interested in any bargain, incapable of serving, and to forfeit 100*l*. Commissioners empowered to pave all the streets, lanes, yards, courts, alleys, and passages, within the said division, of the said parish of Saint Mary Magdalen, Bermondsey; and also to repair all the highways in the said parish, not under the direction of particular trustees, by virtue of any act of parliament; and to cause all to be created, lighted, and watched; and may light and watch the turnpike road, and contract for pavements, etc. Surveys to inspect the works, and if contract not performed, actions to be brought thereon. Materials may be dug out of or brought into

into streets, etc. Property of all materials to be vested in the commissioners. Penalty on interrupting workmen; first offence, 20s. second, 40s. and third, 3l. Commissioners may sell the old materials, and apply the money to the purposes of the act. No alteration to be made in the form of the pavement, without consent of commissioners. Commissioners to provide watch-houses, watch boxes, watchmen, and beadies. The duty of watchmen and beadies is to endeavour to prevent all mischiefs by fire, all murders, burglaries, robberies, disturbances, and breaches of the peace, and all outrages, misdemeanors, indecencies, and disorders; and for that purpose, without warrant, to arrest, and detain in the watch-house, or other convenient place, provided by the commissioners within the said Water-side Division, all malefactors, rogues, vagabonds, disturbers of the peace, and other disorderly persons, found loitering, wandering, or misbehaving, or committing disorders in or near the said division, or whom the said watchmen shall have reason or just cause to suspect of any evil design, to be carried before a justice of peace, to be examined and dealt with according to law. Commissioners of sewers to make and repair grates, sewers, and drains, and to cast the sewers within the said division. If commissioners of sewers neglect to do the works, commissioners for pavements to do the same, and recover expences. Commissioners of paving to alter gutters, or channels in the streets. Lamp-nons may be fixed against walls of houses. Persons wilfully damaging lamps, etc. may be seized without warrant, and to forfeit 3l. for each lamp, and pay damages, or may be committed to hard labour for fourteen days. Persons accidentally damaging lamps, etc. to make satisfaction. Commissioners to employ persons to cleanse, and to purchase carts, etc. Penalty on laying alhes, etc. in the streets; first offence, 20s. second, 40s. and third, 3l. saving the right of the owner or occupier of the mill pond there, who may cast the loil thereof as heretofore. Penalty on obstructing the streets by carriages, etc. to forfeit 20s. and pay damages. Penalty on driving, etc. wheel-barrows, etc. on the foot pavement; for first offence, 5s. second, 10s. and third, 20s. Hoards, etc. may be made for building, by leave of the surveyor. Foot pavements to be swept every day except Sundays. Houses to be numbered, and names of streets to be affixed on the corner houses. Signs, etc. regulated. Penalty on offenders, 5l. To remove the soil, at any time cast out of Saint Saviour's Mill-pond, within five days. If soil not removed within five days, the surveyor to remove the same, and recover double the expence. Steps, etc. projecting too far to be removed. Commissioners not obliged to pave highways. Rates, upon occupiers of houses, shops, warehouses, wharfs, dock-yards, or other yards, mill, mill-ponds, rope-walks, cellars, vaults, or other tenements in the said division, whether occupied with land or not, and on every person occupying land therein, and on all occupiers of houses, shops, warehouses, land, cellars, vaults, or other tenements in the division of the said parish of Bermondsey, called The Land-side Division, on the south side of the turnpike road, so to be lighted, at the rate of 1s. 3d. in the pound on houses, and 9d. in the pound on land; and the houses in the occupation of Samuel Read, Robert Lewis, Thomas Crout, William Randall, Thomas Child, Thomas Flowers, William Burrell, and John Keating, to be charged with the land held therewith, at 9d. in the pound. Hail rates till paved. Rates to be signed by justices. Owners of houses, let out in tenements, to be assessed, and to be paid by any tenant, and deducted out of the rent. Meeting-houses and void spaces of ground to be rated at the discretion of the commissioners, and to be paid by the proprietor, trustee, treasurer, or minister, or deacon officiating. Rates recoverable by action, with costs. Occupiers quitting without paying rates may be followed, and by warrant their goods distrained. Any person authorized by commissioners to inspect parish rates, etc. Persons paying this rate exempted from all other expences of paving, etc. Pavements liable to be repaired by any parishes, corporations, or trustees of turnpikes, etc. to be repaved at their expence. The commissioners may compound with such parishes 3,000l. may be borrowed on annuities. Annuities charged upon the rate, and

not liable to the land tax. When annuitants die, other annuities may be purchased. Annuities may be assigned. As annuitants die, the rates to be lowered. Monies raised vested in the commissioners. Expenses of passing this act to be first paid. Commissioners may purchase lands, etc. Monies in the hands of the treasurers, receivers, or collectors, to be the first paid in case of death. Power to repair or rebuild certain bridges over the Mill pond, viz. Folly Bridge, Water-lane Bridge, London Street Bridge, and the bridges at the west and east end of Jacob's Street. Provision for excluding five foot Lane out of the act. Penalties may be mitigated, but not to less than a moiety. Commissioners to relay pavement taken up for repairing any vaults, drains, or pipes, and to be reimbursed by the party taking up such pavement. Power given to compound with commissioners of sewers. Action to be brought for expenses of relaying any pavement. Penalty on neglect of giving notice of taking up the pavement for 24 hours, 20s. Commissioners to pay for altering pipes. Persons aggrieved may appeal to the quarter sessions. Penalties and forfeitures to be recovered by distress and sale of goods, and in default of goods, to be committed for three months, and not less than fourteen days, or till paid, and to be applied for the purposes of the act. Commissioners may reward informers. Distress not unlawful for want of form. Plaintiff not to recover if tender of amends hath been made. Minute book to be kept. Justices impowered to administer oaths. Commissioners who are justices may act as such. Proceedings not to be quashed for want of form. Inhabitants may be witnesses. Limitation of actions, in six months. General issue. Treble costs. Publick act.

C A P. XXIV.

An act to repeal so much of an act made in the last session of parliament, as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained; and on licences for bleaching or dyeing the same.

Preamble.
24 Geo. 3. c.
40. recited.

WHEREAS an act was made in the last session of parliament, (intituled, An act for granting to his Majesty additional duties on lincens printed, painted, stained, or dyed in Great Britain; and for granting certain duties on cotton stuffs bleached or dyed in Great Britain; and on licences for bleaching or dyeing the same; and upon the importation of stuffs made of, or mixed with cotton, not painted, printed, stained, or dyed, in foreign parts). and taken as so much of the said recited act as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained, and on licences for bleaching or dyeing the same, has been found inconvenient; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, so much and such part of the said recited act, as imposes duties on all cotton stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained, and on licences for bleaching or dyeing the same, shall be, and the same is hereby repealed,

Foot of the
recited act
repealed.

C A P. XXV.

An act for allowing further time for the importation of goods the produce or manufacture of the island of Tobago, upon payment of the British plantation duties.

23 Geo. 3. c. 14. recited. Goods, the produce of Tobago, may be imported before Dec. 31, 1785, upon payment of British plantation duties. Purport of the oath to be taken by the importer.

C A P. XXVI.

An act for the better preservation and improvement of the river Wear, and port and haven of Sunderland, in the county Palatine of Durham.

Act 3 Geo. 1. Private act No. 3. 13 Geo. 1. c. 6. 20 Geo. 2. c. 18. The duties in that act, 2d. per chaldron of coals and cinders. Act 12 Geo. 2. A further duty of 2d. per chaldron of coals and cinders. The works done under the said acts; a large pier and key, and deepening the channel. The present situation and condition of the port the east end of the pier ruinous. That the duties are insufficient. 1,400l. borrowed on the credit of the tolls. The importance of the port, etc. It would be convenient to have all necessary powers in one act. The term of the former acts continued, and the provisions of this act to be exercised for twenty-one years more. Commissioners appointed. The qualification of commissioners, 200l. per ann. Penalty on acting, not being qualified, 50l. Commissioners to take an oath of qualification yearly. Meetings, June 13, and as often as necessary. If not seven commissioners present, chairman to adjourn. Commissioners to pay their own expences at meetings. Chairman to be present at meetings; and have a determining vote. If chairman not able to attend on a notice left at his house, another to be chosen. Times for choosing the chairman, June 30, and Dec. 31, yearly. For electing commissioners on death, etc. in twelve months. Commissioners may appoint officers, and allow them salaries. Officers not to be removed unless eleven commissioners present. Commissioner who does not attend in twelve months, not to vote in removal or election of officers. Commissioners not to hold offices, etc. Officers to take an oath. Power for improving the navigation. Materials may be taken from private grounds, making satisfaction for damages. Power to purchase lands, etc. Incapacitated persons empowered to sell and convey. To ascertain the value, where persons do not treat to sell. Sheriff or coroner to return a jury. Jurors may be challenged. Jury to ascertain damages, etc. Verdict of Jury, etc. to be final; (except as after.) Witnesses or jurymen making default, may be fined. Fees to sheriff, and expences of jury, etc. by whom to be paid. Verdicts and judgements to be returned to the sessions. Damages done by the works being made, to be provided for. On tendering money, agreed or ascertained, to proceed in the work. If any parties are dissatisfied with the jury's verdict, they may try the value, etc. in a feigned issue in the court of pleas at Durham. Expences of trial for settling damages, etc. to be paid according to the event. Lands, etc. to be used for the purposes of the navigation only, and the owners to hold and enjoy the same for other purposes. Commissioners not to have waggon ways, but for the purposes of navigation. Owners, masters, or skippers, to be answerable for damage done to the piers, etc. by any of the crew. The property of buildings, etc. vested in the chairman; who is empowered to prosecute. To prevent abuses and annoyances. A jury to be summoned. Jury to give in their verdict, etc. Time for repairing keys, etc. three months, and removing impediments. Further time to repair, etc. to be allowed, if necessary. Owners of lands may go thereon to build keys, etc. without being guilty of a trespass to the occupier. Commissioners may sue and be sued in the name

of their chairman. No action or indictment to be brought or preferred, but by order of eleven commissioners. To prevent skippers, etc. from overloading their keels used for ballast, to tontent 40s. Owners and skippers names to be on the keel. Keels for ballast to be weighed, etc. Coal keels to be entered, and marked. Pitch, etc. shall be boiled on board vessels, by an iron instrument called a Loggerhead, on forfeiture of 5*l*. Time allowed for weighing and raising vessels sunk, twenty four hours, or to pay damages. To prevent ballast being cast into the river, penalty 5*l*. To prevent casting ballast without a port sail, penalty 5*l*. To prevent ballast lying on the keys too near the edge, penalty 5*l*. Power in the engineer to remove ballast, etc. Penalty on taking coals, etc. on board of ships in the narrow, 5*l* or in the channel between the high stairs, belonging to John Thornhill, etc. and the extreme east end of the pier, except between the sad stans and the coble slip, if but one ship in a tier, next to the key; or to the north side of the channel, if but one ship in a tier. Not to moor ships in the narrow, except as aforesaid. No ships to lie in the narrow, after being loaded or delivered, on penalty of 5*l*. Stopping the passage or hindering the works, penalty 5*l*. an hour. Proceedings against offenders withdrawing. Commissioners may bring an action. Willfully damaging the works, to answer damages. To prevent ships being nailed by fire of kilnkins, commissioners to build walls, to be repaired by the owner. New duties on coals and cinders, brought to the said river, between South Biddick or Biddick Ford, and the port of Sunderland, 3*d* per chaldron by owners, and 1*d*. per chaldron by fitters. Commissioners may collect duties already due. For ascertaining the quantities of coals liable to duty, may examine on oath persons belonging to colliers. Exemption from duties; if coals be lost or used in making salt and glass, glass bottles, vitriol, copperas, earthen ware, bricks, tiles or lime, in limits of the said port, to be proved on oath. If the stathmen do not appear to be examined, owners may be charged with 8*d*. per chaldron, and fitters with 4*d*. per chaldron, for not above 25,000 chaldrons in a year, as the commissioners think fit. Commissioners may borrow money, and assign the tolls as a security. Form of assignment. Assignments may be transferred. Form of transfer. The manner of levying penalties, by distress and sale of goods. For rewarding informers. The money to be applied to pay the expences of act, and paying charge of several works done in pursuance of the act, and paying money borrowed and interest. Information to be given in six months, and prosecution in twelve months. Offenders not to be punished twice. Commissioner not to sit or vote in his own case. Proceedings to be entered in books, and to be evidence. No order to be quashed for want of form. No order to be repealed, unless eleven commissioners present. Commissioner being a justice may act as such. Power to make bye laws; and notice thereof to be given by advertisement. Commissioners may administer an oath to prove serving of process, etc. Persons giving false evidence, to be deemed guilty of perjury. Quakers affirmation to be taken, under like pains and penalties. Officers to account. Penalty on default. For want of distress by commitment till account, &c. or by action. Officers to deliver up books, etc. when required to do by the commissioners, or to be committed. Persons aggrieved may appeal to the quarter sessions. For preserving the keys, etc. used at the time of passing this act. Allowing the building of new keys, wharfs, and staiths. Nuisances may be punished at common law. Commissioners to satisfy damages occasioned by carrying on any new works; and keys, etc. to be rebuilt: damages to be assised by a jury. Saving of rights to the lord bishop of Durham, and others. Navigation to be free. Limitation of actions. General clause. Title costs. Publick act.

C A P. XXVII.

An act for the better relief and employment of the poor within the hundreds of Tunſtead and Happſing, in the county of Norfolk.

Persons seized of estates in their own right, or in right of their wives, of 20l. per ann. in the ſaid hundreds of Tunſtead and Happſing, and justices of the peace reſiding therein, and all rectors and vicars, usually reſident therein for 6 months, and occupiers of land, etc. of 100l. per ann. reſident there, to be guardians of the poor, within the hundreds of Tunſtead and Happſing, in the county of Norfolk, and incorporated. Women to act by proxy. Corporation not to hold lands for more than 10 years. Poor to continue under the law of the churchwardens and officers as they now are, until a houſe be provided for their reception. Children may be apprenticed by the guardians. Juſtices may grant redreſs to children outed. Children may be diſmiſſed to their parents and friends. Firſt meeting to be four weeks after the paſſing of the act, and to chooſe by ballot twenty-four directors. Qualifications of director; 80l. per ann. in one of the ſaid hundreds, or 60l. there, and 40l. in ſome other hundred. Perſons ſeized of 300l. per ann. or heirs apparent to 60l. to act as directors. Officers to continue in office only during pleaſure. Directors and guardians, at the firſt meeting, to deliver in their qualifications. Penalty on directors acting, not being qualified, 50l. Power to elect three directors not qualified. Officers to account, and pay the balance. Officer not accounting to be committed. Balance of money in hand at receiver's death, to be paid by his executors, etc. Directors may contract for lands and buildings. Incapacitated perſons impowered to ſell lands, etc. Directors may incloſe thirty acres of waſte; and, if no agreement can be made, may cauſe the value to be aſſertained by a jury. Penalty on ſheriff, jury men, etc. making default, 10l. Directors impowered to exchange lands in certain caſes, but not more than fifty acres; and thoſe taken in exchange to be deemed freehold, and thoſe given in exchange according to their former tenure. Accounts to be delivered to the directors of lands and tenements given for the benefit of the poor. Such lands and tenements may be let, etc. by the directors and guardians, with conſent of the churchwardens, etc. May be let or ſold by five directors, on four weeks notice in the Norfolk newspapers. No director concerned in the letting or ſelling ſuch lands, etc. ſhall be intereſted in any leaſe or contract. Monies ariſing by letting or ſale, to be paid to the treaſurer, and to be applied according to the direction of the donor of the lands, and the ſurplus diſtributed to the moſt meritorious poor. After purchaſe completed, poſſeſſion ſhall be delivered to purchaſers. Directing an allowance to be made to the pariſhes for town houſes let or ſold, at 5 per cent. per ann. for future rates. Money hereafter left for the poor, without any particular direction, is to be diſtributed to the poor of the pariſh; and overſeers to forfeit treble value, if miſapplied. Houſes, etc. to be purchaſed, to be free of all parochial, county, or parliamentary taxes, except ſuch as they were aſſeſſed at before the act. Directors to erect or provide neceſſary buildings for the reception of aged or infirm perſons; another for children unable to work; another ſeparate for the poor that are able to work, and working rooms; another for an infirmary for the ſick; another ſeparate for lunatics; alſo a chapel, and other neceſſary buildings; to be called The Houſe for the Poor of the Hundreds of Tunſtead and Happſing; and alſo to incloſe a burial ground, and may alter and enlarge the ſame, and to keep them in repair: the expences to be defrayed by money ariſing by virtue of the act. Perſons obſtructing the erection of ſuch buildings, deemed guilty of felony. Seven directors to ſuperintend the buildings. Power to get materials for building. For obtaining a ſupply of water, may enter any lands adjoining; but not to deprive any other houſe or lands of their water. Penalty of injuring the drains, etc. 10l. and not leſs than 40s. Recompence ſhall be made
for

for damages. Directors to furnish the house, and provide materials for employment of the poor, etc. The house to be built and furnished by contract. When the house is finished, a general meeting to be called, and the vacancy of directors filled up. Acting guardians to be appointed yearly, on the first Tuesday after the fifth of July. Power to make bye laws. Bye-laws to be approved at the quarter sessions. Meetings annually on the first Tuesday after the 5th. of July, 10th. of October, 5th. of January, and the 6th. of April, at the house for the poor. Choice of new directors, guardians, and treasurer. At other quarterly meetings may fill up vacancies of directors and guardians. Division of directors and guardians in quarterly committees. That the weekly or quarterly meetings may be altered, and they may divide themselves into committees for each month. Penalty of 20s. for non-attendance of director, and 10s. for a guardian. Power to relieve occasional poor. Poor not having a legal settlement within the said hundreds, to be relieved by a justice, or guardian, till able to be removed, and to be reimbursed by the director, or guardians, and they by the overseers of the parish where such person settled; and if the poor person die before examination, touching settlement, to be buried at the expence of the guardians and directors. Children becoming chargeable to the parishes, shall be received into the house, nurtured, and put out by the guardians. Not to affect the settlement of any person, &c. For punishing idle and disorderly persons, able but unwilling to work, as by the act of 17 Geo. 2. Churchwardens or overseers neglecting to make complaint thereof, to be fined. The husband or father of poor persons to assist in maintaining them. Guardians may apprehend idle persons refusing to work. Accounts to be settled and allowed at each quarterly meeting. Nine to constitute a quarterly meeting; four of which shall be directors. Directors may borrow money, but not more than 15,000l. in several sums of 1000 each, and assign the rates as a security. Assignments transferable. Power to raise 6,000l. by annuities. Annuities may be transferred. Power to raise money by a scheme of survivorship, at not more than 5 per cent. No contributor to advance less than 50l. Assessments to be made at yearly and general quarterly meetings. Deficiencies to be made good by a re-assessment. Assessments not to exceed the poor rates on an average of seven years. Churchwardens and overseers may make assessments for other purposes. Houses and lands usually rated to continue chargeable. Churchwardens and overseers to attend first meeting, bring their books, and leave them with directors. For want of books and rates, to elect at their discretion. Churchwardens and overseers to aid and assist directors and guardians in execution of this act. Penalty on default, 5l. Every director and acting guardian, failing in his duty of holding quarterly meeting, to forfeit 5l. Directors and acting guardians may grant certificates with the persons who shall remove. All certificates to be delivered to the directors. Penalty of 40s. on overseers, &c. suffering persons to reside without certificate, or not informing directors of single women suspected to be with child. Parishes liable to maintain such paupers as shall, by such neglect, gain settlements. Bonds of indemnity against bastards, already given to parish officers, to be delivered to the officers of the directors, and acting guardians; and the corporation may sue thereon in their own name; and all future bonds to be their property. Churchwardens and overseers, to be ordered by a justice to find work for the poor, or make them a weekly allowance in the mean time; which is to be reimbursed out of the parish rates, over and above the money to be raised by this act. A governor and matron to be appointed; a surgeon or apothecary; a clergymen, and schoolmaster. Such poor as shall misbehave, or be guilty of any vice or immorality, may be inflicted by order of the directors and acting guardians, at weekly meetings, viz. if a child under 12 years of age, by moderate correction, or abatement of diet, or distinction in dress and diet; above that age, by solitary confinement, abatement of diet, or distinction in dress or diet, or by putting in the stocks, for not more than two hours for one offence, or to be sed with bread

bread and water only, not more than twenty-four hours. The apparel of the poor to be the property of the guardians and corporation; and for purloining, selling, pawning, or carrying away, any materials, furniture, or implements of work, or other their effects, or any apparel, or running away without leave, may be apprehended by justices warrant, and committed to hard labour for not more than twenty-one days, nor less than five days, and to be whipped privately; and for the second offence, to be punished as if convicted of petit larceny. Persons receiving stolen goods and clothes to forfeit not more than 10*l.* nor less than 40*s.* to be levied by distress and sale of goods; and if no goods, to be committed to hard labour not less than seven days, nor more than three calendar months. Governor and officers, for purloining, embezzling, or wilfully misapplying any money, or goods, or damaging any materials, or implements of work, utensils, goods, and chattels, belonging to the said corporation, to be discharged from their offices and pay 10*l.* and treble the value of such money or goods, &c. to be levied by distress and sale of goods, in the same manner as overseers of the poor by this act, and applied to the use of the poor of the house; and if no distress found, to be committed to the house of correction for not less than one, nor more than six calendar months. Directors and guardians may act as justices. Power to justices to proceed in all cases, not otherwise provided for in this act. Encouragement to be given to the industrious out of the profits of their work, at the discretion of the directors, &c. and to the governor and matron in office. Profits of the work to go in aid of the rates. The poor may be hired out to harvest or other work. Justices to settle differences between them and people employing them. Directors may contract for employment of the poor. Persons contracting with the corporation not to act as guardians. Hours of work limited to ten hours a day, and to be allowed not less than six, nor more than twelve days every year for recreation; and parents and relations may have access to the poor at all proper times, except meal times. Guardians to pay their own expences. Majority to determine all questions. Directors, &c. may appoint special constables. Governor may execute warrants. Punishment on conveying spirituous liquors into the house, the same as by 24 Geo. 2. c. 40. for conveying spirituous liquors into gaol. If ten guardians seized together of estates of the annual value of 6,000*l.* assembled at a general quarterly meeting, desire a general meeting, on three weeks notice in Norfolk newspapers; and in case they then prove any mismanagement or abuse of trust in the present directors and acting guardians, others may be chosen by the rules in the act. Penalties and forfeitures coming to the hands of any churchwarden, overseer, or constable, to be accounted for to the treasurer, and applied to the use of the corporation, as judged proper. Penalties and forfeitures to be recovered by distress and sale of goods, and paid to the treasurer, and the overplus returned to the owner; and if no distress found, the offender to be committed for not more than two months, or till paid. Money borrowed on securities may be discharged on six months notice by lot. That notice shall be given of paying of the money. In case of refusal to receive the same, interest to cease. Three months notice to be given. This act not to extend to the parish of North Walsham. Residence in North Walsham no disqualification to be director or guardian. Appeal allowed against guardians and directors as against justices of the peace. Expences of this act to be paid first. Limitation of actions. General issue. Treble costs. Publick act.

The SCHEDULE to which this Act refers.

Form of mortgage upon the rates for relief of the poor within the hundreds of Tunstead and Happing, for securing the money borrowed, and the interest thereof.

WE being of the Form of directors and acting guardians of the poor within the hundreds mortgage. of

of Tunstead and Happing, in the county of Norfolk, by authority of an act passed in the twenty-fifth year of the reign of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, at a meeting assembled, of which the said is chairman, held under the said act, at on the day of

one thousand seven hundred and do hereby mortgage and charge all the rates to be raised within the said hundreds, under the description of poor's rates, by the said act, with the payment of the sum of which hath proposed and agreed to lend, and hath now actually advanced and paid, towards the expence of building a house or houses for the reception of the poor of the said hundreds, and otherwise carrying the said act into execution; and we do hereby confirm and establish the said mortgage and charge hereby made, unto the said his executors, administrators, and assigns, for securing the repayment of the said sum of and interest for the same, after the rate of per centum per annum, and do order the treasurer to the said directors and acting guardians to pay the interest half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the direction of the said act.

(L. S.)

Form of charges on the poor's rates for securing the annuities.

WE, &c. [as in the form of a mortgage] do hereby, in consideration of the sum of which hath proposed and agreed to pay, and hath now actually paid, towards defraying the expence of building the said house or houses, and of otherwise carrying the said act into execution, charge and make chargeable all the rates raised for relief of the poor within the said hundreds under the act now in being, with the payment, to the said his executors, administrators, and assigns, of one annuity or yearly sum of for the term of year, [or, the life of the said as the case may require]; and we do hereby confirm and establish the said annuity or yearly sum unto the said his executor, administrators, and assigns, and do order the treasurer to the said directors and acting guardians to pay the said annuities or yearly sum half-yearly, as the same shall become due, pursuant to the directions of the said act.

Form of agreement and mortgage by way of tontine.

Tontine mortgage.

WHEREAS A B. C. D. have agreed with the directors and acting guardians of the poor within the hundreds of Tunstead and Happing, in the county of Norfolk, to advance jointly and together, towards carrying on the building of a house or houses for the reception of the said poor, under an act of the twenty-fifth of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, in shares of each, by loan, at legal interest, and in the nature of a tontine, with benefit of survivorship; and have actually advanced the same, and have also mutually agreed amongst themselves, that the interest of the said sum so advanced by the said parties shall, as it becomes due, be paid to, and distributed equally share and share alike, amongst them the said joint partners; and the survivors or survivor of them shall be entitled to, and receive the full amount of the interest of the above principal sum, during his [or her, or their] natural life or lives, after which time the said principal and interest shall sink into and become a part of the stock of the said directors and acting guardians: now we the said directors and acting guardians do confirm and establish the said tontine, and do

do charge all the rates raised for the relief of the poor within the said hundreds, by authority of the said act, or of any laws now in being, with the payment of the said interest for and during the natural lives or life of the said A. B. C. D. and the survivors or survivor of them, and direct our treasurer to pay the said interest half-yearly, in the manner and to the persons above-mentioned.

Form of transfer.

I DO transfer this security, with all my right and title to the principal money hereby secured, and to all interest now due, or hereafter to be due, unto C. D. his executors, administrators, and assigns.

Dated this

day of

Witness E. F.

A. B.

C A' P. XXVIII.

An act for opening an easy and commodious communication from the High Street of Edinburgh, to the country southward; and also from the Lawn Market to the new extended royalty on the north, and for enabling trustees to purchase lands, houses, and areas for that purpose; for widening and enlarging the streets of the said city, and certain avenues leading to the same; for rebuilding or improving the university; for enlarging the publick markets, and communications thereto; for regulating certain taxes; for lighting the said city; for providing an additional supply of water; for extending the royalty of the said city; and for levying an additional sum of money for statute labour in the middle district of the county of Edinburgh.

Recital of 26 Geo. 2. c. 36. and 7 Geo. 3. c. 27. Trustees for the university of Edinburgh and South Bridge, the right honourable James Hunter Blair lord provost of Edinburgh, the right honourable Henry Dundas of Melvil, the right honourable Hay Campbell lord advocate of Scotland, sir William Forbes baronet of Pittsigo, Robert Macqueen of Braxfield esquire, one of the senators of the college of justice, Archibald M'Dowal esquire, merchant and dean of the guild of Edinburgh, John Grieve esquire, merchant in Edinburgh, Mr. William Jamieson, mason and convener of the trades of Edinburgh, John Davidson esquire, writer to the signet, Niel M'Vicar esquire, merchant in Edinburgh, and James Brown esquire, architect in Edinburgh, for erecting such buildings in the university of Edinburgh as they shall think proper; and for making the access from the High Street there to the country on the south, easy by a bridge over the Cowgate, and by streets, &c. on the south side of the city. On death of trustees, new ones to be chosen. Meetings of trustees on the third Monday in June, six or more to chuse a preses, to continue a year, and have the casting vote. Trustees to bear their own expences, and to meet four times a year. Lord provost, magistrates, and town council, to form a commodious access from the Lawn Market to the west part of the new extended royalty, by the mound or passage across the North Loch to Prince's Street; to enlarge the publick markets, and make roads thereto, and to erect a bridge between the road to Leith and Calton Hill, across Calton Street, and bring into the city fresh water, &c. The city divided into two districts, one The Ancient Royalty, and the other The Extended Royalty, and the line of division to be the key-stone of the middle arch of the bridge over the North Loch, running east to Trinity College church, and west to the north side of the castle, in a line along the middle of the low ground, formerly the North Loch. Commissioners for lighting the streets of the Ancient Royalty named; and also commissioners for lighting the streets of the Extended Royalty. Meetings of commissioners, or eight of them, for the Ancient Royalty in the council chamber of Edinburgh, and for the Extended Royalty in Saint Andrew's church, each to chuse a con-
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vener, to call meetings for the year, on ten days notice in newſ-
papers. Five commissioners to go out of office annually, and others to
be elected in their room. Commissioners ſhall go out of office by rota-
tion, as they ſtand on the roll. Qualification, poſſeſſing an houſe of 18l.
per ann. rent in the diſtrict. Powers of truſtees to make a bridge over
the Cowgate, and to agree with the owners and occupiers of houſes and
ground on the ſouth ſide of the High Street, bounded by Merlin's Wynd
on the weſt, and Niddry's Wynd on the eaſt, and all houſes and areas
between the ſaid Wynds to Cowgate on the ſouth, and from thence to
Nicolſon's Street, particularly mentioned. All the preſent road leading
from the Cowgate to College Street, through Adam's Square, and twenty
feet to the weſt of the ſaid road; on the weſt ſide of which area, oppo-
ſite the houſes of George Buchan of Kello eſquire, lord preſident of the
court of ſeſſion, Alexander Farquharſon and Robert Chalmers eſquires,
no building to be erected, except a wall ſix feet high; all houſes and
grounds from profeſſor Hamilton's houſe to the Infirmary Ground,
bounded by College, or Infirmary Street, on the north, and the infir-
mary ground on the eaſt; all houſes, &c. from the corner of Cowgate,
and the weſt ſide of Aitken's Cloſe, in a line ſouth, ſixty feet eaſtward
from the centre of lady Nicolſon's pillar, and weſt in a line to a point
forty feet weſtward, and from the ſaid point in a line parallel, till it
meet the town wall, and as much more ground as is neceſſary to form
a road parallel to the town wall forty feet wide, in a line from lady Ni-
colſon's pillar ſixty feet eaſtward; and for all houſes, grounds, and areas
on the ſouth ſide, and fronting High Street, one hundred and fifty feet
weſtward from the weſt wall to Tron Church, and from the weſt end
of the ſaid line ſouthward two hundred feet in a parallel line with Mer-
lin's Wynd, and from thence eaſtward to Merlin's Wynd, and from the
ſouth of the ſaid ſpace to the Cowgate, including the weſt ſide of Mer-
lin's Wynd, and both ſides of Peeble's Wynd, and the timber houſe
eaſt of Niddry's Wynd, fronting High Street. For making ſatisfaction
to John Adam eſquire, for the damage that may be done to his houſe.
For making ſatisfaction to Thomas Carnegie eſquire, for damages re-
ſpecting the ground, to open the communication, &c. Powers of truſ-
tees to make a proper communication to the ſouthward of ſaid bridge;
and to purchaſe houſes and grounds neceſſary for the above purpoſe.
Where proprietors reſuſe to ſell their houſes or grounds, a jury to be
ſummoned. Witneſſes may be examined on oath. Verdict of jury, &c.
to be final. Fines to be impoſed on jurymen or witneſſes making de-
fault. By whom the expences of juries ſhall be borne. Purchaſe-monies
awarded are to be tendered to the party, and if reſuſed, paid into the
bank of Scotland, or into the royal bank of Scotland. After ſuch pay-
ments, truſtees may pull down houſes, &c. Monies paid for damages
are to be ſettled to the uſes the premiſes taken were ſettled. For regis-
tration of ſeaſines and renunciations. 1 Geo. 2. c. 22. Regulations rela-
tive to houſes inſured in the Edinburgh Friendly Inſurance. Policies
may be transferred to other houſes of equal value. Truſtees may, by
publick roup, diſpoſe of uſeleſs ground. Monies ariſing thereby, &c. to
be applied towards the purpoſes of the act. Truſtees to keep a record
of their proceedings, and regular accounts. In caſe of ſurplus of money,
to be applied towards paving Nicolſon's Street, and buildings in the uni-
verſity of Edinburgh. In caſe the funds are deficient, 10 per cent. on
the valued rent may be levied; but no more. If not paid within eighteen
months, truſtees may levy the ſame. For rebuilding the univerſity.
Nicolſon's Street, and the croſs ſtreets leading thereto, and the roads
on the ſides of the triangular piece of ground belonging to the heirs of
lady Nicolſon, deemed publick ſtreets. The lord provost, magiſtrates,
and town council, impowered to make a commodious acceſs from the
Law Market to the new extended royalty; and to make a road by the
north ſide of the caſtle; and to make a bridge over the Calton Street.
Powers veſted in the magiſtrates and town council. Lord provost, &c.
to have no claim on any perſon on account of damages by making the
purchaſes. Powers of commissioners for lighting the ſaid city. Rates 2l.
per

per cent. on the valued rent. Rates may be levied by distress and sale of goods in three days by publick auction. Houses of 5l. per ann. exempted. A collector and clerk to be appointed by the commissioners of each district. Commissioners may contract for lamps and lighting. Collectors to account annually. Money raised by the commissioners for lighting streets. Commissioners to defray their own expences. An additional supply of water to be brought into the city. Sheriff depute of the county impowered to determine any dispute relative thereto. Persons aggrieved by the sheriff, may apply to the court of session. Limitation of appeal in twenty days. The said sheriff impowered to summon a jury to ascertain damage done to grounds by bringing in said water. Jurors may be challenged. Sheriff depute to order payment of sums awarded, and to enforce verdicts of juries. On failure of a supply of water, heritors may purchase springs, &c. at or near Over Libberton, before June 24, 1788. Heritors may prosecute suits in that behalf. Magistrates, &c. for neglect of bringing spring water in twelve months, to forfeit their right to the springs, and the same are vested in the heritors of the eight districts south of Edinburgh. Land tax to be rated on all houses in the extended royalty, &c. Stent-masters to be appointed, to value the rent of houses, &c. Land tax to be levied as by law respecting Scotland. Proprietors to be answerable for collectors. Valuations of rent settled by arbitration to be final. Impowering the magistrates of Edinburgh to appoint stent-masters, in case the present stent-masters do not act. Duties payable to the city on wines, spirits, rum, and beer, and other liquors, to be continued on vintners, taverns, or inns, and on publick houses, and in the city of Edinburgh, or the royalty or liberties thereof, in the parish of St. Cuthberts, south and north Leith, and Canongate; and to be payable in Nicolson's Street, etc. Said duties to be taken off private families. An additional sum of one per cent. to be levied on the valued rent of houses. For levying an additional sum for statute labour in the middle district. The royalty extended over five acres of the lands of Broughton, purchased of the heirs of John Dickson of Kilbucho esquire; and one acre one rood and eleven falls belonging to the right honourable James Montgomery, lord chief baron of the exchequer in Scotland, and other trustees, for building a repository for the records of Scotland, who by their charter, dated June 26, 1776, are bound to pay a proportionable part of the taxes and publick burdens. Houses to be built thereon liable to city rates. Extinction of the royalty subject to the provisions of 7 Geo. 3. c. 27. Power to drain the meadow on the south side of the city. Reservation of rights in the eight districts. Not to infringe the act of 10 Geo. 3. in regard to the south districts, and the rights of the city of Edinburgh reserved. Continuance of this act to January 1, 1795, and no longer. Saving the rights of the college of justice. Expences of this act to be paid one-third by the lord provost for the city, another third by the trustees for building the bridge over the Cowgate, and the other third by the commissioners for lighting the streets. Publick act.

C A P. XXIX.

An act to explain, amend, and render more effectual, an act passed in the twenty third year of his present Majesty's reign, intituled, An act for authorising the treasurer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy.

WHEREAS by an act, made in the twenty-third year of Preamble. the reign of his present Majesty, (intituled, An act for authorising the treasurer of the navy to pay to the garrison and naval

naval department at *Gibraltar*, the like bounty for destroying certain *Spanish* ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy), it is, among other things, enacted, That the commissioners of his Majesty's navy shall, and they are thereby authorised and required (upon proof made to the satisfaction of the said commissioners, by certificates or otherwise, of the number of men living on board the said *Spanish* ships of war at the time of the attack and surrender of them respectively), to make out bills for the amount of the said bounty, directed to the treasurer of his Majesty's navy, to be divided amongst the officers, soldiers, seamen, and marines, within and belonging to the said garrison and naval department, at the respective times aforesaid, in such manner, and in such proportions, as his Majesty should graciously please to order, direct, and appoint; and the treasurer of the navy was thereby authorised and required to pay all such bills, according to the course of the navy, to the said officers, soldiers, seamen, and marines, or to such agent or agents as they should authorise or appoint to receive the same: and whereas, besides the bounty money given by the said act, and received by the agent or agents appointed by the late garrison and naval department of *Gibraltar*, to receive and distribute the same, the said agent or agents have received, and are likely to receive, under and by virtue of the like appointment, further sums to a considerable amount; which further sums are or may be distributable to and amongst the officers, soldiers, seamen, and marines of the said garrison, as prize money, in such or the like shares and proportions as the said bounty money has been distributed, or is distributable: and whereas the distribution of such part of the said bounty money and prize money, as hath been allotted to and remains to be distributed, and shall hereafter be allotted to, and distributable among, the officers and soldiers of such of the British regiments and royal artillery, which formed part of the said garrison, and are still subsisting corps, may be greatly facilitated if the prize agent or agents, appointed as aforesaid, were authorised to pay the same over to the agents for the time being of the said British regiments and royal artillery, in order that the same may be paid and distributed by them to and among such of the officers and soldiers of the said corps as are intitled to receive the same: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the secretary at war, the governor of *Cádiz Hospital*, and the adjutant general of his Majesty's forces for the time being, together with the present governor, and lieutenant governor of *Gibraltar*, shall be, and they are hereby appointed commissioners for the inspecting, examining, and settling of all accounts of such bounty money and prize money, with the prize agent or agents who have received, or shall hereafter receive, all or any part of the said bounty money and prize money, and for directing the future distribution of the said bounty money and prize money, as it shall,

Commissioners appointed for settling accounts of bounty money, etc. with prize agents.

shall, from time to time, come to the hands of the said prize agent or agents; such distribution nevertheless being always to be made in such and the like shares and proportions, as have been heretofore settled and observed with respect to the said bounty money and prize money already received and distributed, unless his Majesty shall think fit to order any variation in the same.

II. *And, for the better enabling the said commissioners to inspect and examine such accounts, and to order such distribution to be made in future;* be it enacted by the authority aforesaid, That the prize agent or agents who now are, or hereafter shall be appointed, by the officers, soldiers, seamen, and marines, of the said garrison of *Gibraltar*, to receive their several shares of bounty money or prize money, which hath already been, or shall at any time hereafter be allotted and distributable to and amongst them as aforesaid, is and are hereby required, within one calendar month after the passing of this act, and once in every three months after the expiration of the said calendar month, to deliver to the said commissioners, and each of them, a true and perfect account in writing of his and their receipts and disbursements of the said bounty money and prize money, and of the balance remaining in his or their hands, distinguishing such money as shall be then in a course of distribution, from such money whereof no distribution shall have been then directed; which account the said commissioners are hereby authorized and required to inspect and examine; and it shall and may be lawful for them to demand, and the said prize agent or agents is and are hereby required, from time to time, to furnish to them, and each of them, such further information as may be necessary, by production of any books, papers, or vouchers, in his or their custody or possession, relating to the said bounty money or prize money.

Prize agents to deliver to the commissioners accounts of their receipts and disbursements, &c.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, after inspection and examination of such accounts as aforesaid, from time to time, as they shall see fit and reasonable, to order, by writing under their hands and seals, a distribution, by the said prize agent or agents, of the whole or any part of such bounty money or prize money, as shall have come to his or their hands, and of which a distribution shall not before have been made by the said prize agent or agents, on such day or days as they shall think proper; which order of the said commissioners shall, and is hereby declared to be binding upon the said prize agent or agents, who shall forthwith proceed to make a distribution accordingly.

Commissioners may order a distribution of bounty money, etc. in the hands of agents.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, from time to time, if they shall see fit, by writing under their hands and seals, to authorize and direct the said prize agent or agents to pay over to the regimental agent or agents for the time being, of such of the said *British* regi-

Commissioners empowered to order the prize agents to pay to the regimental a-

cents. etc.
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ments and royal artillery as are ſtill ſubſiſting corps, and to the perſons who were, on the thirteenth day of *September*, one thouſand ſeven hundred and eighty-two, colonels or commanding officers of *British* regiments at *Gibraltar*, which have ſince been reduced or diſbanded, or to ſuch agent or agents as ſhall be appointed by the ſaid colonels or commanding officers reſpectively, for the purpoſe of their being diſtributed by ſuch regimental agent or agents, colonels or commanding officers, or their agent or agents reſpectively, as aforeſaid, to and among the officers and ſoldiers of ſuch ſubſiſting and diſbanding corps reſpectively, all and every the ſhares of ſuch bounty money or prize money, which ſhall at any time or times hereafter be or remain in the hands of the ſaid prize agent or agents, under or in a courſe of diſtribution, including in ſuch payment to ſuch regimental agent or agents, all and every the ſhares of ſuch officers, non-commiſſioned officers, and ſoldiers, as were a part of the ſaid ſtill ſubſiſting corps whiſt on ſervice at *Gibraltar*, but who may ſince have died, quitted, or been diſcharged from the ſame, after deducting from all and every ſuch payment or payments as aforeſaid the uſual allowance of five pounds *per centum*, by way of commiſſion on ſuch bounty money and prize money ſo received and paid by him or them as aforeſaid; and the receipts or acquittances which ſhall from time to time be given, by the ſaid regimental agent or agents, colonels, or commanding officers, or their agent or agents reſpectively, as aforeſaid, to the ſaid prize agent or agents, ſhall be, and ſhall, in the ſettling and allowance of the accounts to be rendered by the ſaid prize agent or agents, with the ſaid commiſſioners, or the major part of them, be accepted and received as good and ſufficient vouchers for all and every ſuch payment and payments as aforeſaid.

Receipts of
regimental
agents, etc.
to be accepted
as vouchers of
payment.

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manding of-
ficers to re-
ceive ſuch
ſhares, unleſs
upon their
requeſt, etc.

V. Provided always, and it is hereby alſo enacted, That the ſaid commiſſioners ſhall not authoriſe or direct the ſaid colonels or commanding officers of *British* regiments, or their agent or agents reſpectively, to receive from the ſaid prize agent or agents any part of the ſhares ſo due as aforeſaid, unleſs upon application previously made to them by ſuch colonel or commanding officer requeſting ſuch authority or direction; nor unleſs ſuch colonel or commanding officer, or his or their agent or agents reſpectively, ſhall alſo, previously to his or their receiving ſuch authority and direction, give full and ample ſecurity to the ſatisfaction of the ſaid commiſſioners, or a majority of them, for the due and faithful diſtribution of ſuch monies ſo directed to be paid to them as aforeſaid.

VI. And be it further enacted by the authority aforeſaid, That, from and after the firſt day of *January*, one thouſand ſeven hundred and eighty-eight, no claim or claims ſhall be admitted or received by the ſaid prize agent or agents, nor by the ſaid regimental agents, nor by the ſaid colonels or commanding officers, his or their agent or agents reſpectively, or any of them, to any ſhare or ſhares of the ſaid bounty money or prize money, unleſs the ſaid commiſſioners, or a majority

From Jan. 1,
1788, no claim
to ſhares of
bounty mo-
ney, etc. to
be received,
without con-
ſent or com-
miſſioners.

of them, shall see good reason to declare a further day for receiving and admitting such claim or claims; in which case the said commissioners, or a majority of them, may, by writing under their hands, fix a further day, not exceeding twelve months after the said first day of *January*, one thousand seven hundred and eighty-eight, for receiving and admitting such claims.

VII. And be it further enacted by the authority aforesaid, That when the time by this act limited, or to be limited by authority thereof, for receiving and admitting such claims as aforesaid, shall be expired, the said prize agent or agents, and also the said regimental agent or agents, and the said colonels or commanding officers, his or their agent or agents respectively, in case any of the said bounty money or prize money shall have been paid to them, or any of them, by virtue of any of the directions and provisions contained in this act, shall, within three months after the expiration of the time so limited or to be limited as aforesaid, deliver to each of the said commissioners an exact account in writing, attested upon oath, which oath the said commissioners, or a majority of them, are hereby authorized and required to administer, of all receipts and disbursements, and of all money remaining in their hands, custody, or power respectively, for or on account of the shares unclaimed of such bounty money and prize money, or on any other account; and shall also produce and shew to the said commissioners, or the major part of them, and verify the same upon oath, if thereunto required, all books, papers, and vouchers, necessary or material for explaining the said accounts; and shall pay and deliver, or cause to be paid and delivered, to such commissioners, or a majority of them, all such money remaining in his or their hands respectively, taking from the said commissioners, or such majority of them, their acquittance or acquittances for the same, which acquittance or acquittances is and are hereby declared to be valid and effectual; any thing in any former law contained to the contrary notwithstanding.

VIII. And be it further enacted, That all and every person and persons, hereby directed to deliver all or any of the accounts so required to be delivered and verified upon oath as aforesaid, who shall refuse or neglect to deliver all or any such account or accounts to the said commissioners herein-before mentioned, or a majority of them, within the time before limited and appointed in manner and form as is herein-before mentioned and required; or who shall neglect or refuse to pay and deliver over, within ten days after the settling of such accounts, all and every such sum or sums of money as shall remain in his or their custody, power, or possession, after settling such accounts as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above such money then in his or their hands respectively; one third part whereof shall belong to his Majesty, and the remaining two thirds to the royal hospital at *Chelsea*, to be recovered by the treasurer

Prize agents, etc. within a limited time, to deliver to each commissioner an account of all receipts and disbursements, etc. relative to bounty and prize money;

and all such money remaining in their hands.

Persons neglecting to deliver accounts, and to pay the balance,

shall forfeit 100l.

for the time being of the said royal hospital, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

If any fraud shall be committed in stating, etc. of said accounts, the offender to forfeit 100l.

IX. And be it further enacted, That if any fraud, collusion, or deceit, shall be wittingly or wilfully made, used, committed, permitted, done, or suffered, in making, stating, or balancing, any such accounts so to be verified upon oath as aforesaid, then all and every person or persons, who shall be thereof duly convicted, shall forfeit and pay, for every such offence, over and above the penalties inflicted by this act, the sum of one hundred pounds; one third part whereof shall be to the use of his Majesty, one other third to the use of the said royal hospital at *Chelsea*, and the other third to the informer who shall sue for the same, to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Money arising from unclaimed and forfeited shares, how to be applied.

X. And be it further enacted by the authority aforesaid, That all such money as shall arise from the unclaimed shares of such bounty money or prize money, or otherwise, which shall be received by the said commissioners, or a majority of them, upon settling such accounts as aforesaid, shall (after deducting such charges and expences as shall seem reasonable to the said commissioners) be, as to so much thereof as may arise from the unclaimed shares of the soldiers, by them immediately paid over to the treasurer of *Chelsea Hospital* for the time being; and so much thereof as may arise from the forfeited and unclaimed shares of the seamen and marines, be by them immediately paid over to the treasurer of *Greenwich Hospital*, who shall, and are hereby respectively authorized to give them a full and complete discharge for the same; and the said money, when so received by the said respective treasurers, shall by them be carried to the credit, and shall be applied to the use and benefit of the said hospitals respectively; any thing in an act passed in the twentieth year of the reign of his present Majesty, (intituled, *An act to amend an act, made in the last session of parliament, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy; and for making further provisions for those purposes*), to the contrary thereof in any-wise notwithstanding.

see Geo. 3. c. 23.

Ordnance, etc. fished up from the ruins of the Spanish batteries lying between the said hospitals.

XI. And whereas a great number of brass and iron ordnance, anchors, cables, and other stores, have been fished up from the ruins or wreck of the Spanish battering ships which were destroyed on the late attack of Gibraltar, to a considerable amount in value; be it enacted, That all sums of money which have arisen, or shall hereafter arise, from the sale of such ordnance, anchors, cables, and stores, as have already been, or shall hereafter be fished up from the ruins or wreck of the said battering ships, within three years

years from the first day of *January*, one thousand seven hundred and eighty-five, shall be divided amongst the said garrison and naval department who were present at *Gibraltar* on the ever memorable day, the thirteenth day of *September*, one thousand seven hundred and eighty-two, in such shares and proportions as the said bounty money has been ordered to be divided, unless his Majesty shall be pleased to make any variation in the said division.

XII. And be it further enacted, That the said commissioners, or a majority of them, shall and may order the expences of passing this act, and such expences as shall arise in carrying the same into execution, to be paid from time to time by the said prize agent or agents, out of such bounty money or prize money as shall be in his or their hands, of which a distribution shall not have been declared, and shall allow to the said prize agent or agents, on settling his or their accounts, such sum or sums of money as he or they shall have paid by virtue of, and in compliance with such order or orders as aforesaid.

Expences of this act how to be paid.

XIII. And be it further enacted, That so much of the said hereby in part recited act of the twenty-third year of his present Majesty, and of the before-mentioned act of the twentieth year of his present Majesty's reign, as can or may extend to make the said prize agent or agents, appointed by the said garrison and naval department of *Gibraltar*, in any manner accountable to the treasurer of *Greenwich Hospital*, his deputy or deputies, agent or agents, in respect of any bounty money or prize money due or belonging to the said garrison and naval department, which has or may hereafter come to the hands of the said prize agent or agents, shall, and is hereby declared to be utterly repealed and made void.

Part of 23 Geo. 3. c. 16. and 20 Geo. 3. c. 23. repealed.

C A P. XXX.

An act for granting to his Majesty certain duties on shops within Great Britain.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, in order to raise the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to grant unto your Majesty the several new rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be raised, levied, and paid unto his Majesty his heirs and successors, throughout *Great Britain*, upon every house, or other building, now or hereafter to be

Preamble.
From July 5, 1785, the following duties shall be paid for all shops throughout *Great Britain*, viz.

erected, viz.

erected, any part of which shall for the time being be used as shop, publickly kept open for carrying on any trade, or in selling any goods, wares, or merchandize, by retail, and upon every building or place used as a shop only, for the purposes before mentioned, a yearly duty according to the several and respective rates following; (that is to say),

From the yearly rent of sl. to 10l. —	For every such house, or other building or place, of the yearly rent or value of five pounds, and under ten pounds, the yearly sum of sixpence in the pound of such rent or value:
6d. in the pound:	For every such house, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly sum of one shilling in the pound of such rent or value:
10l. to 15l.—	For every such house, or other building or place, of the yearly rent or value of fifteen pounds, and under twenty pounds, the yearly sum of one shilling and sixpence in the pound of such rent or value:
1s. in the pound:	For every such house, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly sum of one shilling and nine-pence in the pound of such rent or value:
15l. to 20l.—	And for every such house, or other building or place, of the yearly rent or value of twenty-five pounds and upwards, the yearly sum of two shillings in the pound of such rent or value:
1s. 6d. in the pound:	
20l. to 25l.—	
1s. 9d. in the pound:	
25l. and upwards, 2s. in the pound.	

Which said yearly rates and duties shall be assessed and paid in manner herein-after expressed.

The above duties to be paid in addition to those granted by 6 Geo. 3. c. 38;

19 Geo. 3. c. 29.

and 24 Geo. 3. c. 38.

First assessment for three quarters, &c.

II. And be it further enacted, That the said several yearly duties, so charged as aforesaid, shall be paid over and above, and in addition to the respective duties charged by an act, made in the sixth year of his present Majesty, intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights;* and by another act, made in the nineteenth year of the reign of his present Majesty, intituled, *An act for repealing the duties on all inhabited houses, imposed by an act made in the 1st session of parliament, and for granting to his Majesty other duties upon all inhabited houses in Great Britain, and for amending the said act; and also for amending so much of an act made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned; and by another act, made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon.**

III. And be it further enacted, That the first assessment of the said duties so hereby granted as aforesaid, shall be made for three quarters of a year, from the fifth day of July, one thousand

ſand ſeven hundred and eighty-five; and afterwards that the aſſeſſment of the ſaid duties ſhall be made for one whole year, from the fifth day of *April* in every year.

IV. And be it further enacted, That the ſaid ſeveral duties by this act granted as aforeſaid, ſhall be paid quarterly on the four following days of payment in the year; (that is to ſay), the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the firſt payment thereupon to be made on the tenth day of *October*, one thouſand ſeven hundred and eighty-five.

V. And be it further enacted, That the ſaid duties, granted by this act as aforeſaid, ſhall be charged only upon the inhabitants or occupiers for the time being of the houſes, buildings, or places hereby charged, or their reſpective executors, or administrators, and not on the landlord or landlords who ſhall have let or demised the ſame, except in the caſe herein-after mentioned; any covenant or agreement made or entered into previous to the paſſing of this act, relative to the payment of any duties impoſed, or to be impoſed on ſuch houſes, buildings, or places, or upon ſuch inhabitants or occupiers in reſpect thereof, to the contrary notwithstanding.

VI. And be it further enacted, That where any houſe ſhall, by reaſon of having ſome part thereof uſed as a ſhop, be liable to any of the duties ſo by this act charged as aforeſaid, ſuch houſe ſhall be aſſeſſed under this act at the ſame yearly rent or value as the ſame ſhall for the time being be aſſeſſed at, for and in reſpect of the duties on inhabited dwelling-houſes, by virtue of the ſaid act made in the nineteenth year of his preſent Majeſty; and where any building or other place, not being ſubject to any of the duties on inhabited dwelling-houſes, ſhall, by reaſon of the whole or ſome part thereof being uſed as a ſhop, be liable to any of the duties charged by this act, ſuch building or place ſhall be aſſeſſed to the ſaid duties under this act, according to the full yearly rent or value of ſuch building or place.

VII. Provided always, and be it further enacted, That no warehouſe, being a diſtinct and ſeparate building, and not part or parcel of any ſhop, place, or building, chargeable with any duty by this act, but employed ſolely for the purpoſe of lodging goods, wares, and merchandize, or for ſale of goods by wholeſale only, or carrying on ſome manufacture, although the ſame may adjoin to or have an internal communication with ſuch ſhop, place, or building, ſhall be charged with any of the duties hereby granted.

VIII. Provided always, and be it enacted, That nothing in this act ſhall extend, or be conſtrued to extend, to any ſhop, houſe, or place, where bread, flour, meal, bran, and rubbles only are made or ſold.

IX. And be it further enacted, That where any houſe, building, or place, liable to any of the duties hereby granted, ſhall be divided into different apartments amongſt ſeveral occupiers,

Duties to be paid quarterly,

by the occupiers.

Houſes how to be aſſeſſed.

Warehouſes, in ſeparate buildings, not chargeable;

nor bakers ſhops, etc.

Where houſes are divided into different apartments, the

the landlord
to pay the
duties.

the same shall be assessed as if the same was occupied by one person or family only, and the landlord or owner of every such house, building, or place, shall be assessed as the occupier, and shall accordingly pay the duties hereby granted.

Duties to be
assessed and
collected, etc.
according to
the methods
prescribed by

X. And he it further enacted, That the duties charged by this act as aforesaid, shall be assessed, raised, levied, collected, and received by persons to be appointed by the same authority, and shall be paid into his Majesty's exchequer, for the purposes in this act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;* and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights;* and by an act, made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;* and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland;* and by an act made in the thirty-first year of the reign of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties;* and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates and duties upon windows, or lights;* and by the said herein-before mentioned acts, made in the sixth, nineteenth, and twenty-fourth years of the reign of his present Majesty, or by any of them, so far as the same now remain in force, or are not altered by this act; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the said several acts, or any of them, for the assessing, raising, levying, collecting, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and

put

30 Geo. 2.
c. 3;

c. 42;

31 Geo. 2.
c. 10;

26 Geo. 2.
c. 1;

31 Geo. 2.
c. 22;

2 Geo. 3.
c. 8;

the acts
of 8, 19, and
34 Geo. 2.

put in execution, throughout the whole kingdom of *Great Britain*, for the aſſeſſing, raiſing, levying, collecting, and paying the ſeveral duties upon houſes, buildings, or places, by this act granted, as fully and effectually, to all intents and purpoſes, as the ſame are and may be for the aſſeſſing, raiſing, levying, collecting, and charging the rates and duties granted by the aforeſaid acts, or any of them, ſo far as the ſaid powers, authorities, rules, and penalties are applicable hereunto, and not altered by this act.

XI. And be it further enacted, That all the monies ariſing from the duties granted by this act (the neceſſary charges of raiſing and accounting for the ſame excepted) ſhall, from time to time, be paid into the receipt of his Maſteſty's exchequer at *Weſtmiſter*; and in the office of the auditor of the ſaid receipt, there ſhall be provided and kept a book or books, in which all ſuch monies ſo paid into the ſaid receipt of the exchequer as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid and payable to his Maſteſty, his heirs and ſucceſſors, upon any account whatſoever; and the ſaid monies ſo paid into the ſaid receipt of exchequer, ſhall be a fund for the payment of the annuities, and all ſuch other charges and expences as are directed to be paid and payable, purſuant to an act of this preſent ſeſſion of parliament, intituled, *An act for granting annuities to ſatisfy certain navy, victualling, and transport bills, and ordnance debentures*.

Duties to be paid into the exchequer;

and to be entered by the auditor ſeparate from all others.

XII. And be it further enacted, That for and in conſideration of the extraordinary care and pains requiſite in making and adjusting the firſt aſſeſſment to be made, in carrying this act into execution, ſo far as reſpects ſuch buildings and places as ſhall be aſſeſſed, without reference to the aſſeſſment of the duties on inhabited dwelling-houſes, the aſſeſſor or aſſeſſors ſhall have an allowance for ſuch firſt aſſeſſment of three-pence for each houſe, building, or place, aſſeſſed by him or them reſpectively; to be had and received from the reſpective receivers general, their deputy or deputies, who are hereby appointed and directed to pay the ſame accordingly, and who ſhall be allowed the ſame in paſſing their accounts.

Allowance to aſſeſſors for the firſt aſſeſſment.

XIII. And be it further enacted, That for the better execution of this act, and for the ordering, raiſing, levying, collecting, and paying the duties hereby granted, the commiſſioners authorized or appointed, or who ſhall be authorized or appointed hereafter for putting in execution the ſaid herein-before mentioned acts, concerning the duties on houſes, and windows or lights, or any of them, ſhall be commiſſioners for putting in execution this preſent act, and the powers therein contained, in all the counties, ſhires, ſtewartries, ridings, cities, boroughs, cinque ports, towns, and places reſpectively, within *Great Britain*; and the ſaid commiſſioners, in order to the ſpeedy execution of this act, ſhall, in their reſpective counties, ſhires, ſtewartries, ridings, cities, boroughs, cinque ports, towns, and places,

Commiffioners.

Their firſt meeting, etc.

places, for which they are or shall be appointed commissioners respectively, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, and shall in like manner meet yearly and every year, at such days or times as the said commissioners for the time being shall think proper to appoint, before the thirtieth day of *April* yearly, and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted as aforesaid, in such and the same manner, and under the same regulations and directions, as are prescribed by the said before-mentioned acts, or any of them, with respect to the rates and duties on houses, and windows or lights, thereby imposed, except in such cases in which an alteration is made by this act.

If commissioners neglect to meet at the times appointed, they may afterwards meet, &c.

XIV. Provided always, and be it further enacted, That if, by any neglect or default, there shall not have been a meeting of the said commissioners, and a due execution of the several powers hereby created, within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this present act, it shall and may be lawful for the said commissioners, or any two or more of them, in all the counties, shires, stewardries, ridings, cities, boroughs, cinque ports, towns; and places, in *Great Britain* respectively, wherein such default shall have happened, to meet and execute the said powers at any other time or times, any thing herein-before contained to the contrary notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings shall have been held, and such powers should have been executed according to the directions of this present act, to meet and execute the same, so as that the said rates and duties charged by this act be duly and effectually charged, raised, levied, collected, and paid, to his Majesty, his heirs and successors, for the uses in this act, notwithstanding any such omission or defect; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect as aforesaid.

Commissioners not to act until they have taken the proper oaths.

XV. Provided also, and be it further enacted, That no person shall presume to act as a commissioner in the execution of this act (except in administering the oath of qualification herein-after expressed), until he shall have taken the several oaths required to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights, by any of the acts herein-before referred to, and also shall have taken the following oath; (that is to say),

Oath of qualification.

I A. B. do swear, That I will truly and faithfully execute the office of a commissioner, according to an act, made in the twenty-fifth year of King George the Third, for granting to his Majesty certain,

tain duties on shops within Great Britain; and will determine upon all appeals, which shall be brought before me under the said act, according to the best of my skill and knowledge.

So help me GOD.

Which oath any two or more of the commissioners, in the county, shire, city, or place, where the assessment is to be made, are hereby authorized to administer: and if any person shall act as a commissioner of this act (except as aforesaid) before he shall have taken such oaths as aforesaid, he shall, for every offence, forfeit one hundred pounds. Penalty on acting before taking the oaths.

XVI. And be it further enacted, That the said commissioners shall cause notice to be inserted in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions, whom they shall think fit to be presentors or assessors under the said before-mentioned acts charging duties on houses, and windows or lights, or any of them, that such persons are also appointed assessors of the duties upon houses, buildings, and places, within this act. Notice to be given in the precepts of the appointment of assessors.

XVII. And, for the more effectually levying and collecting the duties imposed by this act, be it further enacted, That if at any time there shall be a neglect to appoint assessors for the said duties on houses, and windows or lights; or if the assessors appointed shall neglect to perform what is required of them by this act, then and in such case it shall and may be lawful to and for the surveyor or surveyors, or the inspector or inspectors appointed or to be appointed under the authority of any of the said acts, relative to the duties on houses, and windows or lights, and they are hereby required to do or perform such and the like services as by this act is required from such assessors; and the surveyors or inspectors, if, on the first assessment under this act, they shall perform the duty of assessors, shall be entitled to the same reward as is hereby provided for the assessors for the said first assessment under this act. On failure of appointment of assessors, &c. surveyors or inspectors to do their duty.

XVIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorized to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called Quakers, make and subscribe a solemn affirmation, in the following form: Assessor to take an oath, besides those appointed by former acts.

I A. B. do swear, (or affirm, as the case may require), That in the assessment which, by authority of an act made in the twenty-fifth year of the reign of King George the Third, for granting to his Majesty certain duties on shops within Great Britain, I shall make upon the houses, buildings, and places, liable to any of the said duties, The oath.

duties, within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgement and skill; and that I will truly and faithfully execute the trusts reposed in me by virtue of the said act:

So help me GOD.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewardry, city, or place, where the said assessment is to be made, are hereby impowered and required to administer.

Penalty on
acting before
taking the said
oath.

XIX. And be it further enacted, That if any person appointed or to be appointed assessor, or any surveyor or inspector hereby authorized to act as an assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath, (unless such person shall be a Quaker, and shall have made such affirmation as aforesaid) he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Duty of
assessors.

XX. And be it further enacted, That such persons so appointed or to be appointed assessors as aforesaid, do and shall, before the tenth day of *September*, in this present year one thousand seven hundred and eighty-five, and in all future years before the twenty-fourth day of *June*, estimate and ascertain, according to the best of their skill and judgement, the full and just yearly rent which every such building or place, hereby charged with any duty, within the limits and places for which such assessors are to act, and which is not already charged to the duty on inhabited houses, is really and *bona fide* worth to be let, and do and shall make an assessment in writing of the duty hereby imposed, according to such estimate or valuation upon the occupier or occupiers of every such building or place, and do and shall, by writing under their respective hands, certify the number of buildings and places respectively charged by virtue of this act, which are not already charged to the duty on inhabited houses, within the limits of such places as aforesaid, together with the rents estimated and ascertained as aforesaid, for or in respect of the same respectively, and the names of the several occupiers thereof respectively, and the several sums of money charged on, and payable by them, for or in respect of the same, by virtue of this act; and likewise do and shall, on or before the tenth day of *September*, in the present year one thousand seven hundred and eighty-five, and in all future years on or before the twenty-fourth day of *June*, in every year, deliver the certificates or assessments, to be made by them respectively as aforesaid, unto the said commissioners, or any two or more of them.

Two com-
missioners to
sign the as-
sessments,

XXI. And be it further enacted, That the said commissioners, to whom such assessments shall be delivered in pursuance of this act, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively,

or

or as soon after as conveniently may be, fet their hands to the said refpective affeffments, and to fuch fuch charge or fur charges as fhall or may have been made in the mean time, either by the fame affeffors, or by fuch furveyor or furveyors, or infpector or infpectors, as is or are herein after mentioned, tithing their allowance of the fame; and fhall likewife nominate and appoint two of the perfons named in each of fuch affeffments to be collectors, or any other two fuch perfons as they fhall think able and reafonable, for their refpective parifhes and places for which they fhall be to prefented, and fhall forthwith deliver, or caufe to be delivered, fuch affeffments to be them allowed of, unto the refpective perfons by them nominated to be collectors for each refpective parifh, who are hereby appointed, and required to collect and pay the duties hereby affeffed, and to give acquittances for the fame; for whole paying unto the receiver general, now or for the time being, appointed by his Majefty, or by the lord high treafurer for the time being, or by the commiffioners of the treasury for the time being, or any three or more of them, in the manner hereby directed, fuch money as they fhall be charged with under this act, the parifh or place for which they are to employed fhall be answerable.

XXII. And be it further enacted, That in all privileged and other places, being extraparochial, and not within the conftablewicks or precincts of the refpective affeffors, to be appointed by virtue of this act, the said commiffioners, or any three or more of them, fhall, and they are hereby required to nominate and appoint two fit perfons, living in or near the said privileged or other places as aforefaid, to be affeffors for the said places; and to make and return their said affeffments in like manner as by this act is appointed in any parifh, tithing, or place; and alfo to appoint two or more collectors, who are hereby required to collect and pay the fame, according to the rates appointed by this act for collecting and paying all fums of money payable by this act.

XXIII. And be it further enacted, That the said commiffioners, or any three or more of them, fhall ftrictly perufe the certificates or affeffments which by this act are before directed to be annually delivered to them, and alfo fhall examine the affeffors and prefentors thereof; and if the said commiffioners, or any three of them, within their feveral limits or divisions, fhall, at the time of the delivery of fuch certificates or affeffments, or within ten days after, have certain knowledge, or caufe to fufpect, that any houfe, building, or place, or any part thereof, which ought to be charged by this act, is omitted in fuch certificates, or that any fuch houfe, building, or place, or any part thereof, is undercharged, or not duly charged according to the directions of this act, the said commiffioners, or any three or more of them, fhall have power to fummone the perfon or perfons occupying fuch houfe, building, or place, to appear before them at a day and place to be prefixed, or which three days notice at leaft fhall be given; and if any perfon or

and to ap-
point collec-
tors.

Affeffors and
collectors
how to be ap-
pointed in ex-
traparochial
places.

Commiffion-
ers to perufe
the certificates
and affeffments,

and may fum-
mon the re-
fpective per-
fons to be under-
charged.

persons summoned shall neglect to appear, the said commissioners may proceed to amend such assessments, and to charge such occupier with such rate as shall appear reasonable from the evidence before them; and moreover, the said commissioners, to whom such certificates or assessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, shires, or stewartries, where such assessments shall be made, shall have power, and are hereby required, by all lawful ways and means, to examine and enquire into and concerning the annual value of any such house, building, or place as aforesaid, charged in or by any such assessment, or which shall have been omitted to be charged therein, and thereupon to enlarge, alter, abate, or diminish the said assessments, so to be delivered to such commissioners, to the end that such duty may be set and imposed upon every such house or tenement, according to the true intent and meaning of this act; and the said commissioners, or any three or more of them, shall, after such perusal and examination thereof, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made thereto in the mean time, testifying their allowance of the same.

and may correct the assessments when found to be erroneous.

Duplicates of assessments to be made out.

XXIV. And be it further enacted, That the said commissioners, or any two or more of them, shall, from time to time yearly, cause true duplicates of such assessments as aforesaid to be made out, delivered, and transmitted, in such and the same manner, and at like times, as is directed by the aforesaid acts relative to the duties on houses, and windows or lights, or any of them, with respect to the duplicates of the assessments therein mentioned.

What those duplicates shall contain.

XXV. Provided always, and be it further enacted, That in the said duplicates to be transmitted to the receiver-general, and to the King's remembrancer, the number of shops, buildings, and places, exclusive of those assessed from the assessment on inhabited dwelling-houses, shall be inserted, as well as the amount of the duties, in order to ascertain the money which the receivers-general are directed by this act to pay to the assessors for the first year's assessment, at three-pence each shop, building, or place, not being assessed from the assessment on inhabited dwelling-houses, and for the information of the proper officers, who are to allow the same in the receivers accounts.

Surveyors and inspectors to examine the assessments before they are signed by the commissioners.

XXVI. And be it further enacted, That all and every surveyor or surveyors, and inspector or inspectors, appointed or to be appointed under and by virtue of the several acts relative to the duties on houses, and windows or lights, herein-before mentioned, or any of them, for the rates and duties thereby imposed, shall be, and he and they is and are hereby empowered to inspect, examine, and supervise the assessments to be made in or for any such parish or place as aforesaid, before the commissioners shall have signed and allowed the same, and to alter and amend any such assessment or assessments, if he or they shall see just cause for so doing; and every person, in whose custody any such

such certificate or assessment shall be, is hereby required, upon the request of any such surveyor or surveyors, or inspector or inspectors, as aforesaid, to produce the same; and if any such surveyor or surveyors, inspector or inspectors, shall, after such assessment or assessments shall be so respectively made and signed, and allowed as aforesaid, find or discover, upon his or their survey, that any house, building, or place, or any part thereof, which should and ought to be charged with the duties hereby granted, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors, or inspector or inspectors, shall certify the same in writing, under his or their hand or hands, by way of surcharge, to any two or more of the said commissioners, on or before the sixteenth day of November, one thousand seven hundred and eighty-five, for the first quarterly payment, which shall be due on the tenth day of October, in the same year, and thenceforward, and in every future year, at the same times they make their surcharges for the duties on houses and windows under the said acts herein-before mentioned, in order to have such omission or under-rate rectified in the said assessment; and the said commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

If any omission is discovered, they shall be surcharged by a surcharge.

XXVII. And be it further enacted, That if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge or surcharges for the first half year, it shall and may be lawful for the said surveyor or surveyor, or inspector or inspectors, to make a surcharge or surcharges for the whole year.

If a surcharge is omitted the first half year, it may be made for a year.

XXVIII. And, for the better execution of the commissions appointed to carry this act into execution, and the surveyors and inspectors, and the persons to be appointed assessors as aforesaid, with respect to the annual rent or value of all houses, buildings, or places charged by this act, and the better to enable them to perform their duty; be it further enacted, That the said commissioners, or any two of them, and the said assessors, surveyors, and inspectors, or any one or more of them, or any person or persons authorized by them, or any of them, shall have liberty to inspect and to take copies of, or extracts from, any book or books kept by any parish officer or officers, or any other person or persons, of or concerning the rates for the maintenance of the poor, or any other public taxes, rates, or assessments, in any part or parts of Great Britain within the limits for which they shall be appointed; and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to permit the said inspection, or the copies or extracts to be made as aforesaid, or to attend the said commissioners with their books when required so to do, then, and in every such case, every person who shall so refuse or neglect shall, for every such offence, forfeit and pay the sum of forty shillings.

Assessors, etc. shall be permitted to inspect parish rates.

Penalty on persons refusing them.

XXIX. And be it further enacted, That no house, building, or place, chargeable by this act as aforesaid, shall be estimated or rated at any less value yearly than that at which the same

Houses to be estimated as aforesaid to public taxes.

stands legally rated and aſſeſſed to the publick rates, taxes, and aſſeſſments, or any of them, now ſubſiſting, where ſuch premiſes are charged by a pound rate, and according to the full annual value thereof reſpectively; and when ſuch premiſes as aforeſaid are charged by a pound rate, according to any proportionate part of the real annual value thereof reſpectively, the ſame ſhall not be eſtimated or rated for the purpoſes of this act at leſs than the full annual value upon which ſuch proportions have been computed and taken as aforeſaid.

Occupiers not
to be charged
to the poor's
rates, &c. for
the duties im-
poſed by this
act.

XXX. And be it further enacted, That no occupier or occupiers of any houſe, building, or place, liable to any duty charged by this act in any pariſh or place, ſhall be charged or aſſeſſed to the poor's rate or highway duty for or in reſpect of any rates or duties impoſed and made payable by this act; but ſuch owners and occupiers ſhall continue to be rated and aſſeſſed to the poor's rate and highway duty, in ſuch manner as they were rated and aſſeſſed to the ſaid rates and highway duty reſpectively at the time of paſſing this act, any thing contained herein to the contrary notwithstanding.

Payment of
rates not to
affect settle-
ment.

XXXI. And be it further enacted, That the payment of any of the rates and duties granted by this act by any occupier or occupiers of any houſe, building, or place, charged with any duty by this act in any pariſh or place, ſhall not intitle the perſon or perſons, ſo paying ſuch rates and duties, to a legal ſettle-
ment in ſuch pariſh or place.

Perſons over-
charged may
appeal to the
commiſſion-
ers.

XXXII. And be it further enacted, That if any perſon or perſons ſhall think himſelf, herſelf, or themſelves reſpectively overcharged or over-rated by any aſſeſſment, charge, or ſurcharge, to be made by virtue of this act, it ſhall be lawful for him, her, or them, reſpectively to appeal to the ſaid commiſſioners; and the ſaid commiſſioners, or any three or more of them, ſhall, and they are hereby required to hear and determine all ſuch appeals; and all ſuch appeals, in reſpect to the aſſeſſment for the firſt three quarters under this act, ſhall be heard and determined between the tenth day of *December*, one thouſand ſeven hundred and eighty-five, and the fourth day of *January*, one thouſand ſeven hundred and eighty-fix; and all appeals in reſpect of any future aſſeſſments, on the days appointed, and in the manner directed, in the ſeveral acts herein-before mentioned with reſpect to the rates and duties on houſes, and windows or lights, thereby granted.

In what caſes
the commiſ-
ſioners may
abate the aſ-
ſeſſments.

XXXIII. And be it further enacted, That the ſaid commiſſioners, or any of them, ſhall not, upon the hearing of ſuch appeal, make any abatement or defalcation in the charge or ſurcharge made upon any perſon by ſuch aſſeſſment as aforeſaid, or the ſurcharge of any ſuch ſurveyor or ſurveyors, or inſpector or inſpectors as aforeſaid, but the ſame ſhall ſtand good and remain part of the aſſeſſment, unleſs it ſhall then appear to the ſaid commiſſioners, by examination of the circumſtances of the caſe upon oath, to be adminiſtered by any three or more of them, that ſuch perſon hath been over-rated in and by ſuch aſſeſſment.

ſeſſment or ſurcharge; in which caſes the ſaid commiſſioners are hereby authorized and impowered, upon every ſuch appeal, to abate or diminiſh any ſuch aſſeſſment to be made as aforeſaid in ſuch manner as they ſhall think proper, and agreeable to the true intent and meaning of this act; and every perſon intending to appeal to the ſaid commiſſioners ſhall, and is hereby required to give, at the leaſt, ten days notice thereof to any aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, or inſpector or inſpectors, of the pariſh or place wherein ſuch perſon is aſſeſſed, of ſuch intention to appeal, and ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, or inſpector or inſpectors, may then and there attend to juſtify the ſaid aſſeſſment and ſurcharge; and ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, or inſpector or inſpectors, and appellant, ſhall have full and free liberty to be preſent during all the time of hearing ſuch appeals, and whilſt the ſaid commiſſioners ſhall be determining the ſame.

Perſons intending to appeal, to give 10 days notice to aſſeſſor, &c.

XXXIV. And be it further enacted, That all appeals, once heard and determined by the ſaid commiſſioners, or any three or more of them, or the major part of them then preſent on the day or days by them appointed for hearing of appeals, ſhall be final, except as is herein-after directed.

Appeals once determined to be final;

XXXV. And be it further enacted, That if any ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, or inſpector or inſpectors, or the perſons ſo appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, or inſpector or inſpectors, or appellant reſpectively, to require the ſaid commiſſioners to ſtate ſpecially, and to ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the ſaid commiſſioners, or the major part of them then preſent, are hereby required to ſtate and ſign ſuch caſe accordingly, and to cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the juſtices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer for the time being; and every ſuch juſtice and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto, according to which opinion ſo certified, the aſſeſſment, which ſhall have been the cauſe of ſuch appeal, ſhall be altered or confirmed: and if ſuch aſſeſſor or aſſeſſors, ſurveyor or ſurveyors, inſpector or inſpectors, or the perſon ſo appealing, in that part of *Great Britain* called *Scotland*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor, or perſon diſſatisfied, reſpectively, to require

Exception.

Further appeal allowed in England or Wales, to one juſtice of the king's bench, &c.;

and in Scotland,

to a judge
of the court
of ſeſſion, or
a baron of
the exche-
quer.

the ſaid commiſſioners, or the major part of them then preſent, to ſtate ſpecially, and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the ſaid commiſſioners are hereby required to ſtate and ſign ſuch caſe accordingly, and to cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed there according to which opinion ſo certified, the ſiſſment, which ſhall have been the cauſe of ſuch appeal, ſhall be altered or confirmed as provided always. That notwithstanding any ſuch caſe, ſo tranſmitted to any of the ſaid juſtices, judges, or barons, the determination of the ſaid commiſſioners ſhall ſtand in full force, and the payments which ſhall become due preſent to the opinion certified by any ſuch juſtice, judge, or baron, upon ſuch caſe.

Penalties ex-
ceeding 20l.
where to be
recovered.

XXXVI. And be it further enacted, That every penalty or forfeiture, which ſhall be incurred under this act, of a greater ſum than twenty pounds, ſhall be recovered in any of his Ma- jeſty's courts or record at *Hiſpalmyſter*, if the matter ſhall ariſe within *England* or *Wales*, or the city of *London*; or in the court of ſeſſion, court of *Exchequer*, or court of exche- quer, if the matter ſhall ariſe in any part of the united king- dom called *Scotland*; by action, bill, plaint, or inform- ation, wherein no ſingle ſuit, or ſuit, or wage of law, or more than one in ſuit, or ſuit, or one moiety of every ſuch pen- alty, ſhall be payable, and the other moiety thereof to the per- ſon or perſons who ſhall ſue for the ſame.

Penalties not
exceeding 20l.
to be recover-
able before
two juſtices;

XXXVII. And be it further enacted, That in all caſes where the pecuniary penalty by this act impoſed doth not ex- ceed the ſum of twenty pounds, it ſhall be recoverable before two or more juſtices of the peace of the county, riding, ſhire, ſtewartry, diſtrict, city, liberty, town or place wherein the of- fence ſhall be committed, on proof of the offence, either by the voluntary confeſſion of the party or parties accused, or by the oath of one or more credible witneſſes or witneſſes; and one moiety of every ſuch laſt mentioned penalty ſhall belong to his Ma- jeſty, his heirs and ſucceſſors, and the other moiety to the informer or informers proſecuting for the ſame; and in caſe of nonpayment ſhall be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hands and ſeals of ſuch juſtices; and the overplus of the money raiſed, after de- ducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner; and for want of ſufficient diſ- treſs, the offender ſhall be ſent by ſuch juſtices to the priſon of ſuch county, ſhire, ſtewartry, diſtrict, city, liberty, town or place, for ſuch time, not exceeding ſix months, nor leſs than one month, as ſuch juſtices ſhall think moſt proper.

and may be
levied by di-
ſtreſs.

XXXVIII. And

XXXVIII. And be it further enacted, That if any person or persons shall find himself or themselves aggrieved by the judgement of any such justices, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiting, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, town, or place, and are hereby empowered to summon and examine witnesses on oath, and finally to hear and determine the same, and in case the judgement of such justices shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Persons aggrieved may appeal to the quarter sessions.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned, as a witness, or witness, to give evidence before such justice of the peace touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, or to attend for that purpose appointed, who shall be liable to be fined for such his, her, or their neglect, or refusal, to be levied of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as herein before directed as to other penalties.

Penalty on person summoned as witness who shall neglect to attend

XL. Provided nevertheless, That it shall and may be lawful to and for the said justices, where they shall see cause, to mitigate and lessen any such penalties as they shall think fit, reasonable cause and charges of the officers and informers, as well as in the discharge as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation does not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges, as aforesaid contained in this act, or any other act of parliament, notwithstand; and no such conviction shall be returned by any court into any court whatsoever.

Justices may mitigate penalties.

XLI. And be it further enacted, That all constables and headboroughs, tithingmen, and all other his Majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them.

Constables, and other officers, to be aiding in the execution of this act

XLII. And be it further enacted, That all actions, suits, and informations, for any offence against this act, shall be brought within one year after the offence committed, and be-
 hereafter after the time is limited, shall be void, and if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing

Limitation of actions.

herein contained, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue an action, or ſuffer a nonproſs, or ſhall become ſatisfied, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

C A P. XXXI.

*An act for better regulating the office of the treaſurer of his Ma-
jeſty's navy.*

Preamble.

From July 1,
1785, the
treafurer of
the navy ſhall
apply to the
treafurer for
money as
herein men-
tioned:
which ſhall be
iſſued to the
bank,

WHEREAS it appears, by the reports made by the commiſſioners of the navy, that, in order to take, and ſtate, the publick accounts of the kingdom, and to ſettle the accounts for better con-
duct of the navy, and the better management of the treaſurer of his Ma-
jeſty's navy; be it therefore enacted by the King's moſt excellent ma-
jeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſem-
bled, and by the authority of the ſame, That, from and after the firſt day of July, one thouſand ſeven hundred and eighty-five, the treaſurer of his Ma-
jeſty's navy for the time being, in all memorials to be by him preſented to the treaſurer for money for navy ſervices, ſhall pray that ſuch ſum as he requires may be iſſued to the governor and company of the bank of England on his account; and ſhall tranſmit with each memorial a copy of the letter or letters from the commiſſioners of the navy, victualling, and ſick and hurt boards, directing him to apply for ſuch ſum or ſums; in which letter or letters the ſaid commiſſioners ſhall, and they are hereby required and directed to ſpecify for what particular ſervice or ſervices the ſaid money is wanted; and ſhall alſo ſtate the balances then in the hands of the treaſurer of the navy, under each head of ſervice reſpectively; and the commiſſioners of his Ma-
jeſty's treaſury for the time being, by their letter from time to time, ſhall direct the auditor of the exchequer to iſſue, to the governor and company of the bank of England, on account of the treaſurer of his Ma-
jeſty's navy, naming ſuch treaſurer for the time being, the ſum for which ſuch letter ſhall be drawn, upon the unſatisfied order at the exchequer in favour of the ſaid treaſurer, for which the receipt of the caſhier or caſhiers of the ſaid governor and company ſhall be a ſufficient diſcharge; and all ſums for which letters of the commiſſioners of his Ma-
jeſty's treaſury ſhall be drawn, ſhall be iſſued to the governor and company of the bank of England, in like manner as they have been heretofore iſſued to the treaſurer of his Ma-
jeſty's navy; and all ſuch monies to be iſſued to the governor and company of the bank of England, ſhall be placed on an account or accounts to be raiſed in the books of the governor and company of the ſaid bank of England, and to be intituled, *The Account of the Treafurer of his Ma-
jeſty's Navy,* inserting

and placed to
the account
of the trea-
ſurer of the
navy.

inserting the name of such treasurer for the time being, for the pay branch, cashier's branch, and the victualling branch; and receipt of all such monies at the exchequer, the treasurer of the navy shall immediately certify to the commissioners of the navy an account of the whole receipt, under the respective heads of service, and shall also certify to the commissioners of the victualling, and store, and hurt boards, the particular sums received, and applicable to those services respectively.

II. And be it further enacted and declared, That no fees whatsoever shall be paid to the exchequer or treasury for or by reason of the transactions aforesaid, beyond the amount of what hath been usually paid upon impreits and accounts hitherto made, according to the former custom of transacting business between the exchequer, navy pay office, and bank, severally.

No extra fees to be paid at the exchequer.

III. And be it further enacted, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, no money for the service of the navy shall be issued from his Majesty's exchequer to the treasurer of the navy, or shall be placed, or directed to be placed in his hands or possession, but the same shall be issued and directed to be paid to the governor and company of the bank of *England*, and to be placed to the accounts above-mentioned, according to the services for which it is craved and issued.

From July 1, 1785, no money for navy services shall be issued from the treasury to the treasurer of the navy.

IV. And be it enacted, That the treasurer of his Majesty's navy for the time being, by himself, or the person or persons in his office duly authorized by the said treasurer, from and after the first day of *July*, one thousand seven hundred and eighty-five, shall draw upon the governor and company of the bank of *England* for all navy services whatever, and shall specify, in each and every draft, the head of service for which the same is drawn; and no draft of the said treasurer, or the person or persons authorized as aforesaid, shall be deemed a sufficient voucher to the said governor and company of the bank of *England*, unless the same specifies the head of service for which it is drawn, and has been actually paid by the said governor and company of the bank of *England*.

The treasurer to draw on the bank for all navy services.

V. Provided always, That the monies to be issued unto the governor and company of the bank of *England*, on account of the treasurer of his Majesty's navy, shall not be paid out of the bank, unless for navy services, and in pursuance of drafts to be drawn on the governor and company of the bank of *England*, and signed by the treasurer of his Majesty's navy for the time being, or the person or persons authorized as aforesaid; in which drafts shall be specified the heads of service to which the sums therein mentioned are to be applied; and which drafts, so drawn, shall be sufficient authority to the bank to pay such money to the persons mentioned in such drafts, or to the bearer of them.

Bank not to pay said monies, unless for navy services, and in pursuance of proper drafts.

VI. And be it further enacted, That upon the death, resignation, or removal, of the present, and every other treasurer of his Majesty's navy hereafter to be appointed, the balance of

On the death or removal of a treasurer, the balance in cash

the bank to
vest in his
successor.

cash for which he shall at that time have credit, on his account or accounts as treasurer of his Majesty's navy, with the governor and company of the bank of *England*, shall, at the end of the current month after a successor shall be appointed to the said office, actually vest in such successor, in trust for the service of the navy under the respective heads, and be forthwith transferred, carried over, and placed to the account or accounts of such successor treasurer of his Majesty's navy, to be applied to the said service, in pursuance of the late drafts as aforesaid: and the treasurer of his Majesty's navy for the time being shall, and he is hereby directed and required to form his memorials and requisitions to the treasury, and to issue his drafts as aforesaid, for all charges and demands on account of the navy service, which shall be due and remain unsatisfied, although the same may have accrued in the time of any former treasurer.

Treasurer to
issue his drafts
for all unsatis-
fied demands;

and to make
up annual
accounts of
navy and vic-
tualling ser-
vices,

VII. And be it further enacted, That the said treasurer of the navy shall, and is hereby required to make up, or cause to be made up, an annual account of the navy and victualling services, intitled, *The Account of the Treasurer of his Majesty's Navy*, to be signed by every treasurer who shall have paid

of the said account; the first account to end on the thirty-first of *December*, one thousand seven hundred and eighty-four, and every succeeding account to begin on the first day of *January*, and to end on the thirty-first day of *December* next following, and to transmit the

to be trans-
mitted to the
auditor of the
imprest.

same (having been previously examined in the offices of the commissioners of the navy, of the victualling office, and of the sick and hurt, and signed by the commissioners of the navy), to the auditor or auditors of the imprest, who shall, and they are hereby directed and required, within three months after the receipt thereof, to examine, or cause to be examined, the said annual accounts, and, if found satisfactory, to present, or cause to be presented, the same to the proper officer or officers for declaration; and when the same is declared, a *quittance* or acquittance, in the usual form, shall be made out to the said treasurer or treasurers, his or their heirs, executors, and administrators.

Treasurer to
insert, in the
annual ac-
count, all pay-
ments made
to him in such
year, etc.

VIII. And be it further enacted, That the treasurer of the navy shall every year insert, in the said annual account, all payments which shall have been made by him in the course of such year; and that all bills, which shall have been drawn by the commissioners of the navy or victualling, shall be sufficient vouchers to discharge the said treasurer of any sums paid by him upon such bills, whether the payments directed to be made by the said bills shall be specified to be upon account, or otherwise; and that when the said treasurer of the navy shall, in the account of any year, have taken credit for any payments made in pursuance of imprest bills, or on account, no further bills shall in any subsequent period be drawn upon the said treasurer, or any treasurer of the navy for the time being, for the purposes of clearing the said imprests, but the persons to whom the pay-

ments

ments have been ſo made on account, ſhall be ſet *inſuper* in the *exchequer*, and to be made accountable for the ſame, and the treaſurer of the navy ſhall be no longer chargeable or accountable for the ſame.

IX. And be it further enacted, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, the treaſurer of his Maſteſty's navy for the time being ſhall keep the account with the bank of all monies iſſued to or directed to be paid to him for the ſervice of the navy; and the ſaid treaſurer, obſerving the rules and regulations hereby preſcribed, ſhall not be anſwerable for any money which he ſhall not actually receive; and the governor and company of the bank of *England* ſhall be anſwerable for all the monies which ſhall be actually received by them for the ſervice of the navy.

Treaſurer to keep an account with the bank, &c.

X. And be it further enacted, That if any perſon or perſons ſhall, from and after the paſſing of this act, knowingly and wilfully forge or counterfeit, or cauſe or procure to be forged or counterfeited, or knowingly or wilfully act or aſſiſt in the forging or counterfeiting the name or hand of the treaſurer of his Maſteſty's navy for the time being, or the perſon or perſons authorized as aforeſaid, to any draft, inſtrument, or writing whatever, for or in order to the receiving or obtaining any of the money in the hands or cuſtody of the governor and company of the bank of *England*, on account of the treaſurer of his Maſteſty's navy; or ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeited, or knowingly and wilfully act or aſſiſt in the forging or counterfeiting any draft, inſtrument, or writing in form of a draft, made by ſuch treaſurer of his Maſteſty's navy, or the perſon or perſons authorized as aforeſaid; or ſhall utter or publiſh any ſuch, knowing the ſame to be forged or counterfeit, with an intention to defraud any perſon whomſoever; every ſuch perſon and perſons ſo offending, being thereof lawfully convicted, ſhall be, and is and are hereby declared and adjudged to be guilty of felony, and ſhall ſuffer death as a felon, without benefit of clergy.

Any perſon forging the name of the treaſurer, &c. to obtain money from the bank, ſhall ſuffer death as a felon.

XI. Provided always, and be it enacted, That this act ſhall not extend, or be conſtrued to extend, to prevent the treaſurer of his Maſteſty's navy from iſſuing to the pay clerks at the ſeveral out-ports, ſuch ſums as may be thought neceſſary by the navy board for paying ſhips, and carrying on recalls; and the pay clerk at each port ſhall, and he is hereby required to make up, at the end of every month, on account of all his receipts and payments during that month, which account ſhall be ſigned by him, the comptroller's clerk, and the ticket office clerk, at each port, and tranſmit the ſame, within fourteen days after the expiration of each month, to the treaſurer of his Maſteſty's navy, and a copy thereof to the commissioners of his Maſteſty's navy; and the comptroller's clerk at every out-port ſhall, and he is hereby required to tranſmit to the navy board every week an account of the payments made by the treaſurer's clerk at that port.

Not to prevent the treaſurer from iſſuing money to pay clerks at out-ports.

On the death,
etc. of every
treasurer, ſaid
clerks ac-
counts to be
made up, etc.

XII. And be it further enacted, That, upon the death, reſignation, or removal, of every treasurer of his Maſteſty's navy, the accounts of the pay clerks at the ſeveral out-ports ſhall be immediately made up and the balance of caſh, for which he ſhall at that time have credit with any of them, ſhall, as ſoon as a ſucceſſor ſhall be appointed, be carried to the credit of the account of ſuch ſucceſſor, and an account thereof forthwith tranſmitted to the commiſſioners of the treaſury.

C A P. XXXII.

An act for granting annuities to ſatisfy certain navy, victualling, and transport bills, and ordnance debentures.

May it pleaſe your moſt excellent Maſteſty,

Preamble.

WHEREAS, notwithstanding the large ſupplies which were granted for carrying on the late war, ſeveral debts remain unprovided for, on account of bills payable in the navy, of the navy and victualling offices, and for transports, and upon account of debentures payable out of the office of ordnance; and it is highly expedient that provision ſhould be made for the ſatisfying certain annuities, to be paid to the perſons intereſted in or entitled unto ſuch bills and debentures, in lieu thereof, in the manner herein after mentioned: we, your Maſteſty's moſt dutiful and loyal ſubjects, the commons of Great Britain, in parliament aſſembled, do therefore moſt humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent Maſteſty, by and with the advice and content of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all perſons intereſted in or entitled unto any bill or bills payable in the courſe of the navy or victualling offices, or for transports, which were dated on or before the thirtieth day of June, one thouſand ſeven hundred and eighty-three, who already have carried, or ſhall on or before the ſixth day of June, one thouſand ſeven hundred and eighty-five, carry the ſame, after having had the intereſt thereupon computed up to the fiſth day of July, one thouſand ſeven hundred and eighty-five, and marked upon the ſaid bills at the navy or victualling office reſpectively, to the office of the treaſurer of his Maſteſty's navy, ſhall have, in exchange for the ſame, from ſuch treaſurer, or his paymaſter or caſhier, a certificate to the governor and company of the bank of England for the amount of the principal and intereſt computed thereupon; and the perſons who ſhall be poſſeſſed of ſuch certificates ſhall, upon delivery thereof to the ſaid governor and company, be intitled, in reſpect of the ſame, to the ſum of one hundred and eleven pounds and eight ſhillings capital ſtock, for each one hundred pounds contained in ſuch certificates, and ſo in proportion for any greater or leſſer ſum; and alſo, that all perſons intereſted in or entitled unto any navy, victualling, and transport bills, made out between the ſaid thirtieth day of June, one

Perſons poſ-
ſeſſed of navy
or victualling
bills, etc.
dated on or
before June
30, 1783, etc.
may carry
them to the
treasurer of
the navy's
office, and
exchange
them for cer-
tificates;

on delivery
whereof at
the bank,
they ſhall be
intitled to
certain ſtock.

Regulations
relative to
ſuch ſtock
may be made

thouſand

thousand seven hundred and eighty-three, and the first day of *January*, one thousand seven hundred and eighty-five, who already have carried, or shall, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, carry the same, after having had the interest due upon such of the said bills as bear an interest, computed and marked upon the said bills to the fifth day of *July*, one thousand seven hundred and eighty-five, at the navy and ordnance offices respectively, to the treasurer of his Majesty's navy, shall have in exchange for the same from such treasurer, or his paymaster or cashier, a certificate to the said governor and company of the bank of *England* for the amount of the principal and interest computed thereupon, after deducting therefrom a sum, at the rate of five shillings *per centum*, upon the amount of such principal and interest, for every month between the first day of *July*, one thousand seven hundred and eighty-three, and the day on which such bill was made out; and the persons who shall be possessed of such certificates, upon delivery thereof to the said governor and company of the bank of *England*, shall be intitled, in respect of the same, to one hundred and eleven pounds and eight shillings capital stock, for every one hundred pounds contained in such certificate, and so in proportion for any greater or lesser sum: and also that all persons interested in or intitled unto any debentures, payable out of the office of ordnance, which were dated on or before the thirty-first day of *December*, one thousand seven hundred and eighty-three, who already have carried, or shall, on or before the sixth day of *June*, one thousand seven hundred and eighty-five, carry the same to the treasurer of his Majesty's office of ordnance, and shall have the interest on such debentures computed, after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thousand seven hundred and eighty-five, shall, in exchange for such debentures, have a certificate to the governor and company of the bank of *England* for every one hundred pounds contained in the amount of the principal and interest of such debentures, upon delivery thereof to the said governor and company of the bank of *England*, shall be intitled, in respect of the same, to the sum of one hundred and eleven pounds and eight shillings capital stock, for each one hundred pounds contained in such certificates, and so in proportion for any greater or lesser sum; which said capital stock shall be attended with annuities, after the rate of five pounds *per centum per annum*, to commence from the fifth day of *July*, one thousand seven hundred and eighty-five, and shall be paid and payable at the bank of *England*, at the times and in the manner herein-after mentioned.

Similar provisions relative to ordnance debentures.

II. And be it further enacted by the authority aforesaid,

That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politic or corporate, who shall be possessed of, interested in, or intitled unto, any bill or bills payable in course out of his Majesty's offices of the navy or

Persons possessed of any such bills, etc. may deliver them to the respective

• vicual- respective

treasurers, to have them marked, etc. before June 7, 1785.

virtualling, or for transports, which were respectively made out or dated in the said respective offices on or before the thirtieth day of *June*, one thousand seven hundred and eighty-three, or between the said thirtieth day of *June*, one thousand seven hundred and eighty-three, and the said first day of *January*, one thousand seven hundred and eighty-five; or shall be possessed of, interested in, or intitled unto, any debenture or debentures payable out of his Majesty's office of Ordnance, which were respectively made out or dated on or before the thirty-first day of *December*, one thousand seven hundred and eighty-three, to deliver such bill or bills, debenture or debentures, to the respective treasurers of the said offices, to be marked, cancelled, and certified, in such manner as is herein-after mentioned, at any time on or before the sixth day of *June*, one thousand seven hundred and eighty-five, and at such place or places as shall have been appointed, by notice given in the *London Gazette*, and other publick papers, for that purpose.

Interest due on July 5, 1785, on navy bills, etc. to be marked thereon at the respective offices.

III. Provided always, and be it further enacted by the authority aforesaid, That the interest which became due on the said fifth day of *July*, one thousand seven hundred and eighty-five, for and in respect of such of the said navy, virtualling, and transport bills, as bear an interest, shall be computed and marked upon the said bills at the navy or virtualling offices respectively, before the same are delivered to the treasurer of his Majesty's navy; and the proper officer and officers of his Majesty's navy office and virtualling office respectively, is and are hereby authorized and required to compute and mark the interest as aforesaid upon every such bill which shall be tendered to him or them for that purpose.

Treasurers of the navy and ordnance may receive and cancel such bills, and deliver certificates in lieu thereof.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person or persons, natives or foreigners, bodies politick or corporate, who is, are, or shall be possessed of, interested in, or intitled unto, any such navy, virtualling, or transport bills, all the said bills which any such person or persons, bodies politick or corporate, shall, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, deliver to such treasurer; and the said treasurer, or his paymaster and cashier, is and are hereby authorized and required to mark and cancel every such bill, and make forth and sign the certificates herein directed to be made out in lieu of the said bills; and that also it shall and may be lawful to and for the treasurer of his Majesty's office of Ordnance, in like manner, to take in all such debentures, payable out of the said office of Ordnance, which, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, shall be delivered to him; and the said last mentioned treasurer, or his deputy, is hereby authorized and required to cancel the same, and to make forth and sign the certificates herein directed to be made out in lieu of such debentures.

V. And

V. And be it further enacted, That if it ſhall happen that, In caſe all ſuch bills cannot be delivered to the treaſurer of the navy, within the time limited, a further time to be allowed: from the multiplicity of computations to be made upon the ſaid bills that may be brought to the reſpective offices of the navy, or victualling to be marked, and the intereſt thereupon computed up to the fifth day of *July*, one thouſand ſeven hundred and eighty-five, the ſame cannot be completed ſo as to be delivered to the treaſurer of the navy, or his paymaſter or caſhier, within the time limited by this act, for the ſaid treaſurer, or his paymaſter or caſhier, to form the proper calculations, and make forth ſuch certificate as are herein directed to be tranſmitted to the bank of *England*; in all ſuch caſes, any perſon or perſons, intituled to ſuch of the ſaid navy, victualling, or tranſport bills, as ſhall be tendered to, and left with the officers herein directed to receive ſuch bills, on or before the ſaid ſixth day of *June*, one thouſand ſeven hundred and eighty-five, upon producing to the treaſurer of the navy, or his paymaſter or caſhier, any bill or bills, marked and computed in the manner herein before directed, ſhall be intituled to receive from the ſaid treaſurer of the navy, or his paymaſter or caſhier, a certificate to the bank of *England* for the ſums contained in ſuch bill or bills; provided ſuch bill or bills ſhall be demanded at, and received from the reſpective offices of the navy or victualling, on or before the thirtieth day of *September*, one thouſand ſeven hundred and eighty-five, and ſhall be delivered to the ſaid treaſurer, or his paymaſter or caſhier, within ſeven days after the ſame ſhall be received from the ſaid navy or victualling offices reſpectively, notwithſtanding the time of tendering the ſame to the ſaid treaſurer, or his paymaſter or caſhier, ſhall be after the day herein limited for that purpoſe; and the ſeveral and reſpective officers above mentioned are hereby authorized and required to ſuſtain ſuch bills and certificates accordingly.

VI. And in caſe it ſhall happen that any perſon or perſons, intituled to any ſuch navy, victualling, or tranſport bills, or ordnance debentures, ſhall, from any unavoidable accident or cauſe, not be able to deliver into the reſpective offices of the navy or victualling, or to the office of the treaſurer of the ordnance, on or before the ſaid ſixth day of *June*, one thouſand ſeven hundred and eighty-five, any ſuch bill or debenture, be it enacted, That upon ſufficient cauſe being ſhewn, to the ſatisfaction of the commiſſioners of his Majeſty's treaſury, it ſhall and may be lawful for the ſaid commiſſioners of the treaſury, or any three or more of them, at any time or times before the ſixth day of *July*, one thouſand ſeven hundred and eighty-five, to direct, authorize, and empower the officers of the navy or victualling offices reſpectively, and of the treaſurer of the ordnance, to accept and take in from ſuch perſon or perſons any ſuch bills or debentures, and to compute the intereſt and mark the ſame; and the treaſurer of the navy and ordnance reſpectively to make forth ſuch certificate or certificates as are herein-before directed to be done and made out; and the governor and company of the bank of *England* are hereby authorized and empowered to give credit for ſuch ſtock and

and ſo to be-
ware for ſuch
bills cannot
be delivered
into the navy
victualling
offices, etc.
within the
time before
limited.

annuities,

annuities, as such person or persons would have been intitled to, in respect of such bills or debentures, in case such bills or debentures had been delivered into such office or offices before the said sixth day of *June*, one thousand seven hundred and eighty-five.

Persons producing their certificates at the bank, shall be intitled to 5 per cent. annuities for the same.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, who shall deliver any such bill or bills, debenture or debentures, to the said respective treasurers as aforesaid, upon producing such certificates as are hereby directed to be made forth by the said treasurers, in lieu of such bills and debentures, shall, in respect of the principal sum hereby granted, for every entire sum of one hundred pounds contained in such respective certificates, have and be intitled to an annuity after the rate of five pounds *per centum per annum*, to commence from the said fifth day of *July*, one thousand seven hundred and eighty-five, and to be paid or payable to such person or persons, bodies politick or corporate, or such as he, she, or they shall appoint, his, her, or their executors, administrators, successors, or assigns respectively; which said annuity shall be payable half-yearly at the bank of *England*, at two of the most usual days of payment in the year; (that is to say), the fifth day of *January*, and the fifth day of *July*; the first payment thereof to become due on the fifth day of *January*, one thousand seven hundred and eighty-six; and that all persons and corporations intitled to any such annuity or annuities aforesaid, and his, her, and their administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible estates and interests in the said annuities, according to the tenor and true meaning of this act; and shall be possessed thereof as of a personal estate, which shall not be descendible to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise, any law, custom, or usage to the contrary notwithstanding; and that all the said annuities shall be free from all taxes, charges, and impositions whatsoever.

Annuities to be deemed personal estate, and to be tax-free.

Annuities to be paid out of a fund to be established this session, etc.;

VIII. And be it further enacted by the authority aforesaid, That the said annuities after the rate of five pounds *per centum per annum*, shall be charged and chargeable upon, and payable out of, the monies which shall from time to time arise and be in the receipt of the exchequer of the fund to be established in this session of parliament, and for which the fund, commonly called *The Sinking Fund*, shall be a collateral security; and that the said annuities shall be irredeemable until twenty-five millions of the publick debt, bearing interest after the rate of either three pounds *per centum per annum*, or four pounds *per centum per annum*, shall have been redeemed and paid off.

IX. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall become intitled by virtue of this act, on which the said annuities, after the rate of five pounds *per centum per annum*, shall be attending,

point with the certificate.

1713.] *THE HISTORY OF GREAT BRITAIN* 31. c. 31.
 ending, that, from and after the fifth day of July, one thou-
 sand seven hundred and eighty-five, be added to, and made
 joint stock of annuities, transferrable at the bank of Eng-
 land, with the annuities established by an act made in the last
 session of parliament, (intituled, *An act for granting annuities to*
family certain navy, victualling, and transport bills, and ordnance
debentures); and that all and every person and persons, and cor-
 porations whatsoever, in proportion to the money to which he,
 she, or they shall become intitled, as aforesaid, by virtue of this
 act, shall have, and be deemed to have, a proportional interest
 and share in the said stock of annuities at the rate aforesaid; and
 that all the said joint stock of annuities shall be paid and pay-
 able out of the several duties granted, as well by sundry acts
 passed in the last session of parliament for the payment of annu-
 ities granted in the same session, as of such duties as by any act
 or acts of this present session shall be charged with, and made
 applicable to, the payment thereof.

X. And be it further enacted by the authority aforesaid, That, upon the delivering in of every such navy, victualling, or transport bill, by any person or persons, bodies politick or corporate, the treasurer of his Majesty's navy, or his paymaster and cashier, shall, and they are hereby authorised and required forthwith to give a certificate, signed by him or them, for the principal sum or sums contained in every such bill, and also for the interest which shall have been computed and marked as aforesaid, to be due on the said fifth day of *July*, one thousand seven hundred and eighty-five, upon such of the said bills as bear an interest, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and that upon the delivering in, by any person or persons, bodies politick or corporate, of every such debenture or debentures, the treasurer of his Majesty's office of ordnance, or his deputy, shall, and they are hereby authorised and required forthwith to give a certificate, signed by the said treasurer or deputy, for the principal sum or sums contained in every such debenture, and also for the interest on such debentures, computed after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thousand seven hundred and eighty-five, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and all such certificates shall be assignable by indorsement thereupon made, at any time before the first day of *December*, one thousand seven hundred and eighty-five, and no longer; and all such certificates and assignments thereupon shall not be charged with any stamp-duties whatsoever; and that the interest so computed and marked on every such bill and debenture respectively, bearing interest as aforesaid, shall be added to the principal sum contained in every such bill and debenture respectively; and the amount of such principal and interest, or the amount of the sum contained in every such bill and debenture not bearing interest, certified in manner before directed, except as herein after

Treasurer of the navy, on receipt of navy bills, etc. to give certificates for the same;

and so likewise the treasurer of the ordnance, on the receipt of debentures.

Certificates assignable until Nov. 30, 1785, etc.

and so likewise the treasurer of the ordnance, on the receipt of debentures,

**Certificates
assignable un-
til Nov. 30,
1785, etc:**

is mentioned, shall be the principal sums for which the person or persons, bodies politick or corporate, delivering such bills or debentures, shall, for every one hundred pounds therein mentioned, be intitled to one hundred and ~~seven~~ ^{ten} pounds, and ~~eight~~ ^{ten} shillings, in the capital stock of annuities, at the rate of five pounds *per centum per annum*, established by this act, and so in proportion for any greater or less sum.

Bills or debentures, the property of infants, may be delivered by their guardians, etc. to the said treasurers.

XI. And be it further enacted by the authority aforesaid, That if any infants shall, by the gift, devise, or ~~deceit~~ ^{death} of the parent, or other relation of such infants; or otherwise, become intitled to any of the said bills or debentures; in such case, the guardian or guardians, trustee or trustees of such infant or infants, shall or may be, and he, she, or they, is or are hereby impowered, for the benefit of such infant or infants, to deliver up to such respective treasurers all such of the said bills or debentures to which such infant or infants shall be so intitled; and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to such an annuity as aforesaid, and the said guardian or guardians, trustee or trustees, shall be discharged from the same; any thing herein contained, or any law, usage, or custom, to the contrary in anywise notwithstanding.

Clause relative to bills, etc. in possession of executors, trustees, depositaries, etc.

XII. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who, as executor to, or administrator, trustee, committee of an idiot, or lunatick, or persons of unsound mind, depositary or mortgagee, shall be or become possessed of, interested in, or intitled unto, any of the said bills or debentures, shall and may deliver up such bills or debentures, as they shall be so possessed of, interested in, or intitled unto, to such respective treasurers as aforesaid; and as to executors or administrators, the annuities which they shall be intitled to in respect of the said bills or debentures so by them delivered up, shall be the same assets in their hands as the said bills or debentures were or would have been had they not been so delivered up for such annuity as aforesaid; and as to trustees, committees, depositaries, and mortgagees, the annuity which they shall be intitled unto, for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to such respective treasurers as aforesaid, shall be subject and liable to the same trusts, and equity of redemption, as such bills or debentures were, or would have been, had they not been so delivered up for such annuity as aforesaid.

The bank to receive certificates;

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England*, and their successors, or such person or persons as they shall appoint for that purpose, and he and they is and are hereby respectively authorized and required to take in and receive all and every of the certificates to be made out in lieu of the said bills and debentures as aforesaid, in pursuance of the directions of this act; and upon the receipt of ~~every~~ ^{such} certificate shall, and he and they is and are hereby required

required forthwith to give credit, in a book or books to be prepared for that purpose, for the principal sum of one hundred and eleven pounds, and eight shillings, for every one hundred pounds contained in every such certificate, so brought to him or her, as aforesaid, and so in proportion for a greater or lesser sum, and the person or persons, bodies politic or corporate, whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politic or corporate whatsoever, in other books to be prepared and kept for that purpose, and the said governor and company for the time being shall also, on or before the fifth day of July, one thousand seven hundred and eighty six, transmit an attested duplicate, fairly written on paper, of the said book or books first herein before mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever

and for every
tool therein
contained, to
be credited for
111 8s.

Stock may be
transferred.

XIV And, for the more easy and sure payment of the annuities established by this act, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall, from time to time, appoint and employ one or more sufficient person or persons, within their office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accountant general, and that the monies from time to time, and at any time, being in the receipt of the exchequer of the fund to be established for paying the said annuities shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of the bank of England, and their successors, for the time being, by way of interest, and upon account, for the payment of the said annuities and that such cashier or cashiers, to whom the said monies shall from time to time be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

The bank,
from time to
time to ap-
point a cashier
and a cashier
and an account-
ant general,
&c.

Cashier and
receipt of
monies at the
exchequer to
pay the an-
nuities

XV. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

Accountant
general to
examine the
receipts
and payments

XVI And be it further enacted by the authority aforesaid, That all the monies intended to be converted into annuities by virtue of this act, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said annuities, after the rate of five pounds per centum per annum, shall be attending,

Monies to be
converted into
annuities to be one
joint stock,

and to be
transferrable.

Transfer
books to be
kept in the
accountant
general's of-
fice, &c.

Stock may be
devise by
will.

Bank to con-
tinue a cor-
poration until
redemption of
the annuities.

Bank to be
computing
interest on
cancelling
said bills,

and that all and every person and persons, and corporations whatsoever, in proportion to the money which he, she, or they shall be intitled to as aforesaid, shall have, and be deemed to have, a proportional interest and share in the said stock, and the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise: and that there shall constantly be kept in the office of the said accountant general for the time being, within the city of London, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or, if any such party or parties be absent, by his, her, or their attorney or attorneys, thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law, and that no stamp-duties whatsoever shall be charged on the said transfers, or any of them.

XVII. Provided always, That all persons possessed of any share or interest in the said joint stock of annuities, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made upon any such devise, until so much of the said will, as relates to such estate, share, or interest, be entered in the said office; and that, in default of such transfer or devise, such share, estate, or interest, shall go to the executors, administrators, successors, and assigns.

XVIII. Provided also, and it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, notwithstanding the redemption of all or any of their own funds in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, until all the said annuities shall be redeemable by parliament; and the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

XIX. And it is hereby enacted by the authority aforesaid, That no fee, reward, or gratuity whatsoever, shall be demanded or taken for computing and marking the interest on the said bills or debentures, or for receiving, taking in, or cancelling the said bills or debentures, or any of them, or for granting certificates in lieu thereof as aforesaid, or for issuing the monies

for

for paying the said annuities, or any of them, or for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending, by taking or demanding any fee, reward, or gratuity contrary to this act, shall, for every offence, forfeit the sum of twenty pounds to the party grieved, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

on penalty
20l.

XX. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized, out of the fund to be established in this session of parliament for payment of the annuities granted by this act, or out of the sinking fund, to reward all such persons as shall be anyways employed in the execution of this act, for their service, pains, and labour; and also to defray such incident charges as shall necessarily attend the same: and also to appoint such allowances as they shall think proper, for the service, pains, and labour of the cashier or cashiers of the said governor and company of the bank of *England*, for receiving, paying, and accounting for the said annuities made payable by this act; and also for the service, pains, and trouble of the accountant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour, of any officer or officers of the said governor and company of the bank of *England*, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Treasury may
reward all
persons em-
ployed in
executing this
act out of the
fund for pay-
ment of the
annuities.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any matter or thing therein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given against him or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

Persons pro-
secuted for
executing this
act, may
plead the ge-
neral issue,

and recover
treble costs,

C A P. XXXIII.

An act for raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-five. — To raise 1000000 before Jan. 5, 1786, as by malt act.

C A P. XXXIV.

An act for better paving, cleansing, repairing, and watching the highways, streets, and lanes, of and in the vill of Ramfgate, in the county of Kent; and for removing and preventing annoyances therein; and for erecting a market-house, and holding a publick market in the said vill.

Commissioners for putting the act in execution. In case of the death, &c. of commissioners, new ones to be elected. Not obliged to elect new commissioners, until the number is reduced to thirty. No person holding any office, or having share in contract or works, to act as commissioner. The major part of commissioners, not less than seven at any meeting, to carry the act into execution. The president to have the casting voice. Proceedings to be entered in a book. Such book to be evidence. No act of the commissioners to be binding unless done at a meeting. First meeting at the workhouse in Ramfgate on the Tuesday fortnight after the passing the act. Adjournments by majority, &c. Qualification of commissioners, (except mayor of Sandwich and vicar of St Laurence) residence in said vill, 20l. per ann. real estate, and 500l. personal. Penalty on acting not being qualified, 100l. Commissioners to appoint a clerk, treasurer, and surveyor, and allow them salaries. Officers refusing, &c. to obey the orders of commissioners, to be incapacitated, and to forfeit 50l. Pavement vested in the commissioners, who may direct the pavements to be altered, relaid, or repaired. Materials to be provided, and paid for, by the commissioners. No alteration to be made in the pavements without consent of the commissioners. Commissioners to contract for paving the streets, &c. Lamps to be affixed in such places as commissioners shall appoint. Persons destroying the lamps, or furniture thereof, to forfeit for the first offence 10s. for the second 15s. and for the third 20s. Persons accidentally damaging lamps, to make good the same. Watchmen to be appointed. For every chaldron of coals, coke or clinder, containing thirty-six Winchester bushels, imported and landed, or carried through the liberty of the vill of Ramfgate, 1s. and for coals, &c. sold by tun, of twenty hundred weight, 1s. and so in proportion above all other duty. Duty on coals, &c. to be collected before ships be permitted to depart from the port. On refusal to pay the duty, vessels and carriages to be detained. Obstructing payment of duty, or selling or consuming coals, &c. before payment thereof, to forfeit 40s. and damages, or be committed to the house of correction for two months, if not paid sooner; one moiety of the penalty to the informer. Books to be provided for entering accounts of monies received by the duty. General highway act to remain in force, as by 23 Geo. 3. c. 78. Surveyors of the highways to produce their accounts to the commissioners. Commissioners may borrow money at interest, but not more than 5000l. and assign the rates as a security; or may grant annuities on lives. Account of money borrowed, and annuities granted, to be entered in books. Persons purchasing annuities to enjoy the same during their lives, or lives of their nominees. Securities may be transferred. Monies borrowed to be charged upon the duties, &c. The duties to be applied to the purposes of the act. When monies paid off, commissioners to assemble inhabitants, and if they agree, then the duty to continue for ten years longer, but if they do not consent, then the duty to be reduced to 6d. per chaldron or tun; and at the expiration of the said ten years, finally to cease. Pavements to be repaired upon complaint of want of reparation. Foot pavements to be swept by inhabitants. Land to be provided for depositing materials for repairing the streets. Signs to be placed on the fronts of houses, and incroachments to be removed. Foot-paths and highways may be widened. Annoyances to be removed. Nuisances not to be permitted in the streets, &c. Liberty to make inclosures for building or repairing houses, &c. Projections to be avoided in future. Penalty on obstructing the execution of the act, 3l. Power to get materials. Watchmen to apprehend malefactors

Jeſuits and diſturbers of the peace. Commiſſioners to ſet out a market. Market-houſe to be erected. Market-houſe veſted in the commiſſioners. Market tolls not to commence till twelve months after the act is opened. To prevent incroachments on the market, no other to be held in the ſa, nor any ſeſh, nor raw victuals, fiſh, poultry, butter, eggs, ſweetmeats, nor garden ſtuff, to be ſold in any other place therein, on penalty of ſi. to be recovered by diſtreſs and ſale of goods, and one moiety to go to the informer. Fiſhermen may ſell fiſh on the ſtrand, and the inhabitant provisions in their houſes. Penalties may be mitigated. Market-houſe, &c. to be erected by voluntary ſubſcription. Commiſſioners to purchaſe ground for the market. If owners of ground reſuſe to agree, jury to ſettle damages, with the uſual clauſes. Penalties and forfeitures to be recovered by diſtreſs and ſale of goods, and applied for the purpoſes of the act. Expences of the act to be paid out of the money collected. Perſons aggrieved may appeal to the ſeſſions. Diſtreſs not unlawful for want of form. Saving the juriſdiction of Sandwich. Limitation of actions. General iſſue. Treble coſts. Publick act.

C A P. XXXV.

An act for the more eaſy and effectual ſale of lands, tenements, and hereditaments of crown debtors, or of their ſureties.

WHEREAS by an act, made in the thirteenth year of Preamble. the reign of Queen Elizabeth, (intituled, An act to make 13 Eliz. c. 4. the lands, tenements, goods and chattels, of tellers, receivers, &c. liable to the payment of their debts), for the better ſecurity of the Queen's majeſty, her heirs and ſucceſſors, againſt ſuch as ſhould have the receipt and charge of the money and treasure of her highneſs, her heirs and ſucceſſors, it was declared and enacted, That all lands, tenements, profits, commodities, and hereditaments, which certain officers of the crown, farmers, and perſons therein named, particularly the treaſurer or receiver of any ſums of money impreſſed, or otherwiſe, for the uſe of the Queen's majeſty, her heirs or ſucceſſors, then had, or at any time thereafter ſhould have, within the time he or they, or any of them, ſhould remain accountable; ſhould, for payment and ſatisfaction unto the Queen's majeſty, her heirs and ſucceſſors, of his or their arrearages, at any time thereafter to be lawfully, according to the laws of the realm, adjudged and determined upon his or their account, (all his due and reaſonable petitions being allowed), be liable to the payment thereof, and be put in execution for payment of ſuch arrearages or debts, in like and in as large and beneficial a manner, as if the perſon had, the day he became officer or accountant, ſtood bound by writing obligatory, having the effect of a ſtatute of the ſta- ple, to her Majeſty, her heirs or ſucceſſors, and reciting, that foras- much as many times it might come to paſs, that the Queen's highneſs, her heirs or ſucceſſors, might not be conveniently ſatisfied of the debt to be determined or due upon any account as aforeſaid, by way of ex- tent, for that the yearly value of the lands extended would not ſatisfy her highneſs, her heirs or ſucceſſors, within the compaſs of many years, ſo as that great loſs might enſue to her highneſs, her heirs and ſucceſ- ſors; for remedy thereof it was enacted, That if any treaſurer, or other perſon accountant before mentioned, which ſhould, from and af- ter the feaſt of Saint Michael then next enſuing, receive or be charge-
able

able with any money or treasure of the Queen, her heirs or successors, and should, upon the determining of his or their account, or by reason of any farm as aforesaid, be found in arrears, and should not, within six months next after his or their accounts finished, or debt known, pay all such sums of money as he or they should, upon determination of his or their account, or upon his or their debt known, it should be lawful to the Queen's highness, her heirs and successors, at any time, and from time to time, after the said six months ended, to make sale, by her or their letters under the great seal of England, of so much of the lands, tenements, and hereditaments, of every such accountant or debtor, so being found in arrears or debt, as might suffice the Queen, her heirs or successors, for satisfaction, until her Majesty, her heirs or successors, should be by such sale fully satisfied and paid off such arrears and debt; and that if any overplus should be received upon any such sale, then the same should be paid to the accountant or farmer, or his heirs, by the officer that should receive the same money upon any of the said sales, without further warrant in that behalf: and whereas by an act, made in the twenty-seventh year of the same Queen, after reciting certain doubts upon the said act of the thirteenth year of her reign, it was declared and enacted, That the said recited act, in every part thereof touching the power thereby given to her highness, her heirs and successors, to make sale of any the lands, tenements, or hereditaments, by the same act limited to be sold, should be expounded and intended, as well in case where the sale is to be made after the death of such accountant or debtor, as where it is to be made in his or their life-time; and also as well in case where the account is made, or the debt known, within eight years after the death of such accountant or debtor, as where the same account is made, or the debt known, in the life-time of the same accountant or debtor; but it was provided, That after the death of such accountant or debtor, and before any the lands, tenements, and hereditaments, descended unto the heir of such accountant or debtor as heir, should be sold, a scire facias should be awarded out of her Majesty's court of exchequer unto the sheriff of the county where any such lands lie, to garnish the same heir, to shew cause why the same lands, tenements, and hereditaments, should not be put to sale for satisfaction of the same debts or farms in the said act mentioned, according to the tenor thereof; whereupon if the heir should not, within a convenient time, upon a garnishment or two nichils returned, shew and prove unto the said court that the executor or administrators of such accountant or debtor have sufficient, which ought to answer or be liable for the same debt or farm, then, after ten months next after such two nichils or garnishment returned, the same land, tenements, or hereditaments, should be sold by her Majesty, her heirs or successors, and the money thereof coming disposed according to the said former recited act: and after various other enacting clauses, there was a proviso to prevent sale of the lands, tenements, or hereditaments of any heir, during the time of his or her nonage: and whereas by an act, made in the thirtieth year of the reign of Queen Elizabeth, the said recited explanatory act of the twenty seventh year of Queen Elizabeth was repealed, and a new exposition was made of the said recited statute of

37 Eliz. c. 3.

39 Eliz. c. 7.

The thirteenth of Elizabeth, with various new provisions; but the said act of the thirty-ninth year of Elizabeth being only temporary, and having expire early in the reign of James the First, the said explanatory act of the twenty-seventh year of Elizabeth became revived, and is now in force: and whereas it may tend greatly to facilitate and expedite the payment of debts to the crown, where the real estates of its accountants or debtors, or of their sureties, are seized into the King's hands under writs of extent, if a sufficient part of such estates was to be sold unto the provisions of the said recited acts of the thirteenth and twenty-seventh years of Queen Elizabeth, but the said acts have not been lately put in use, and inconvenience is likely to arise if the mode of sale therein directed should be pursued; be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty's court of exchequer, and the same court is hereby authorized, on the application of his Majesty's attorney general in a summary way, by motion to the same court, to order that the right, title, estate, and interest of any debtor to his Majesty, his heirs and successors, and the right, title, estate, and interest of the heirs and assigns of such debtor, in any lands, tenements, or hereditaments which have been, or shall hereafter be extended under and by virtue of any such writ of extent or *diem clausit extremum* as aforesaid, or so much thereof as shall be sufficient to satisfy the debt for which the same shall have been so extended, shall be sold in such manner as the said court shall direct; and that when a purchaser or purchasers shall be found, the conveyance of the lands, tenements, or hereditaments so decreed to be sold shall be made to the purchaser or purchasers by his Majesty's remembrancer in the said court of exchequer, or his deputy, under the direction of the said court, by a deed of bargain and sale, to be inrolled in the same court; and that, from and after the making of such conveyance, and the inrollment thereof as aforesaid, the bargainee or bargainees in such conveyance, and his or their heirs, executors, administrators, and assigns, shall have, hold, and enjoy the lands, tenements, and hereditaments therein comprized, for his and their own respective use and benefit, not only against the extent of the crown, but also against such debtor of the crown, or the surety or sureties for such debtor, and all persons claiming under such debtor, or the surety or sureties, unless by a title paramount to, and available in law against such extent as aforesaid; and all monies which shall become payable from any such purchaser or purchasers as aforesaid, shall be paid, accounted for, and applied towards discharge of the debt due to the crown, and of all costs and expences which shall be incurred by the crown in enforcing the payment of such debt, in such manner as the said court of exchequer shall from time to time order and appoint: and if, after payment of the whole debt to the crown, and of all costs and expences

Court of exchequer, on application of the attorney general, may order the estate of any debtor to his Majesty, &c. to be sold.

The surplus, if any, after payment of

pences

debt and
coſts, to be
paid to the
perſons inti-
tled thereto.

pences incurred in enforcing the payment thereof, there ſhall be any ſurplus of the monies ariſing from any ſuch ſale, the ſaid ſurplus ſhall belong to the ſame perſon or perſons as would be intitled to the lands, tenements, or hereditaments ſold, if there had not been a ſale thereof, and ſhall accordingly be paid to ſuch perſon or perſons, under the order and direction of the ſaid court of exchequer, upon motion or petition to the ſaid court, to be made upon ſuch notice to the crown, and to be ſupported by ſuch affidavits or other proof, as to the ſaid court ſhall from time to time ſeem juſt and reaſonable.

Court of ex-
chequer may
make an or-
der for the
production of
title deeds.

II. *And whereas, from the want of the deeds and writings relative to the title of ſuch lands, tenements, and hereditaments, as the ſaid court of exchequer may decree to be ſold under this act, difficulties may ariſe in the execution hereof,* be it therefore further enacted, That it ſhall be lawful for the ſaid court of exchequer, from time to time, to make ſuch order touching the production, delivery, and cuſtody of ſuch title deeds and writings as aforeſaid, in the ſame manner as if a decree had been made by the ſaid court for a ſale of the lands of a crown debtor, in execution of a truſt created for payment of debts by ſuch crown debtor himſelf.

C A P. XXXVI.

An act for building a new bridge over the haven of Great Yarmouth; and for enlarging the term, and altering ſome of the powers, of an act of the twelfth year of his preſent Maſteſty, “for clearing, deepthning, repairing, maintaining, and improving, the haven and piers of Great Yarmouth; and for deepthning and making more navigable the ſeveral rivers emptying themſelves into the ſaid haven; and for preſerving ſhips wintering therein from accidents by fire.”

21 Geo. 3 c. 14. Commiſſioners to cauſe a plan to be made of a new bridge, which is to be built by contract. When the new bridge is built, the preſent one to be taken down, and the materials ſold. So much of the duties by former act, as is equal to one halfpenny per chaldron on coals, Wincheſter meaſure, laſt of wheat, rye, barley, malt, or other grain, and every weigh of ſalt, and every ton of other goods (fiſh excepted) imported into the ſaid haven or road, and alſo all money thereby directed to be applied towards repairing the ſaid bridge and the public quays, there collected, and not applied, or after received, to be applied by the mayor, &c. of Great Yarmouth, for building the ſaid bridge, and ſupporting the quays, and for other expences as the commiſſioners ſhall direct; and all ſuch money to be annually accounted for. Power to borrow 2000l. and to aſſign the rates as a ſecurity. Aſſignments may be transferred. After the bridge is completed, the money borrowed to be paid off, according to the direction of the commiſſioners. The duty appropriated to repair the preſent bridge, to be applied (after payment of the money to be borrowed) to the repair of the new bridge, etc. Power to apply the ſurplus of the duties appropriated to Norwich, Norfolk, and Yarmouth, for other purpoſes than thoſe directed by the act. The corporation to advertiſe for propoſals for furniſhing materials for repair of the bridge, etc. Penalty on throwing rubbiſh, etc. in the haven, etc. 40s. for every offence. Expences of this act to be paid out of the fiſt money. Former act continued, (except where altered,) and the preſent act to commence June 13, 1785, and to continue for the further term of twenty-one years, from the expiration of the former act. Publick act.

C A P. XXXVII.

An act for rebuilding the bridge across the river of Ayr, at the town of Ayr.

WHEREAS the bridge across the river of Ayr, which is of great publick utility, being the only communication for travellers going for Ireland, by the great west road, through the county of Ayr, and for the march of his Majesty's troops to Ireland by that road is not only very inconvenient, being steep at each end, and so narrow, that it is with difficulty that two carriages can pass each other, but also the same, from its great age and natural decay, is become insufficient; it is therefore absolutely necessary either to have the said bridge taken down and rebuilt, or to build a new bridge near to it; but the same cannot be effected without the aid of parliament.

Magistrates of Ayr empowered to rebuild the bridge of Ayr. Damages to be ascertained by a jury, and the usual clauses for that purpose. For injuring the works of the bridge to pay damages and costs, and may be committed. Pontage for passing the bridge: coaches, &c. drawn by six horses, &c. 4s. by four horses, &c. 2s. by three horses, etc. 1s. 4d. by two horses, etc. 1s. and by one horse, &c. 6d. Carriages, etc. drawn by six horses, etc. 4s. by five horses, etc. 3s. 4d. by four horses, etc. 2s. 8d. by three horses, etc. 1s. by two horses, etc. 8d. and by one horse, etc. 4d. for sledges without wheels, and horses, etc. not drawing, 2d. for oxen, etc. per score, 1s. horses, etc. unshod, per score, 2s. for calves, sheep, lambs, hogs, or goats, per score, 6d. Pontage may be levied by districts. Carriages laden with coals, peat, or turf, drawn by one horse, one penny toll. Toll to be paid but once a day, unless passing with a new loading. Penalty on evading the toll, 20s. Penalty on taking off horses to evade the tolls, 20s. Exemptions from tolls: horses, etc. carrying corn, or victual, to or from Ayr mills, or farm meal to granaries, or dung, etc. or implements of husbandry, carriages, etc. with hay, corn in straw to be laid up, (but if for sale to pay,) but not coals for exportation, nor cattle, etc. to pasture or water, post horses, carriages, attending soldiers on march, or carrying vagrants. But this exemption only to extend to carriages with one horse, except carriages attending soldiers on march. Materials may be gotten for building or repairing the bridge. Houses not to be built on the bridge. In case new bridge shall not be built on the site of the old one, the toll to be collected at the old bridge till the new one is built. If old bridge becomes impassable before new one built, a ferry to be established. Foot passengers to pay one halfpenny for passing the ferry. Tolls for passing over the river by the old bridge, the same as for the new one. Carriages not to remain on the bridge, etc. longer than necessary, nor cause obstructions, on penalty of 20s. Bridge vested in the magistrates of Ayr. 5000l. may be borrowed. Fords in the river to be spoiled. Old bridge not to be used by wheel carriages after new one built. Commissioners appointed: Tolls to be reduced when they produce 7l. 10s. per cent. of the cost. Free when money borrowed is paid, and a fund raised to keep it in repair. Commissioners to settle accounts. Commencement of the act from the passing. Magistrates and council to have jurisdiction in complaints, and determine thereon in a summary way. Costs allowed in actions brought. Sheriffs, etc. to be aiding in execution of the act. Publick act.

C A P. XXXVIII.

An act for veſting in Edward Bancroft, doctor in phyſick, his executors, adminiſtrators, and aſſigns, the ſole property of his invention or diſcovery of the uſe and application of certain vegetables for dying, ſtaining, printing and painting certain valuable colours, throughout that part of his Maſteſty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, for a limited time.

Preamble.

Recital of his Maſteſty's letters patent, dated Oct. 23 1775.

16 Geo. 3.
c. 3.

WHEREAS his moſt excellent maſteſty King George the Third, by his letters patent under the great ſeal of Great Britain, bearing date at Weſtmiſter, the twenty-third day of October, in the fifteenth year of his reign, did give and grant unto Edward Bancroft, of Downing-ſtreet, Weſtmiſter, doctor in phyſick, and fellow of the royal ſociety, his executors, adminiſtrators, and aſſigns, his ſaid Maſteſty's eſpecial licence, full power, ſole privilege and authority to make, uſe, exerciſe, and vend his ſaid Edward Bancroft's invention of uſing certain vegetables growing ſpontaneouſly in his Maſteſty's American dominions, and their tinct, ſtaining, or colouring parts and particles, for dying, ſtaining, printing, painting, or otherwiſe communicating certain valuable colours, in, upon, or to wool, hair, fur, ſilk, hemp, cotton, linen, ſkins, leather, paper, and wood, and to the ſeveral productions, manufactures, and ſubſtances compoſed of the ſame, within his Maſteſty's kingdom of England, dominion of Wales, and town of Berwick upon Tweed, for the term of fourteen years: and whereas, in conſequence of an act of parliament made in the ſixteenth year of the reign of his preſent Maſteſty, (To prohibit all trade and intercourſe with the colonies of Newhamſhire, Maſſachuſet's Bay, Rhode Iſland, Connecticut, New York, New Jerſey, Penſylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and for other purpoſes therein mentioned), and of the ſucceeding war, the ſaid Edward Bancroft has been deprived of the benefit of the ſaid letters patent: to the end therefore that the ſaid Edward Bancroft may be reſtored to the full benefit of the ſaid letters patent, and be enabled and encouraged to proſecute and complete his ſaid invention, and that his property therein, and in his improvements thereof, may be ſecured, ſo that the publick may reap all the advantages to be derived therefrom, in their full eſt extent; and the ſaid Edward Bancroft may receive an adequate recompence for his ſtudy, labour, expence, and time; may it pleaſe your Maſteſty (at the humble petition of the ſaid Edward Bancroft) that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the paſſing of this act, the ſole privilege and advantage of making, uſing, exerciſing, and vending the ſaid invention, mentioned in the ſaid letters patent, with the additions and improvements ſince

The ſole privilege of making and vending the invention veſted in

made therein, within that part of his Majesty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, shall be, and the same is hereby declared to be vested in the said Edward Bancroft, his executors, administrators, and assigns, for and during the term of fourteen years from thenceforth next ensuing, and fully to be compleat and ended; and that he the said Edward Bancroft, his executors, administrators, and assigns, and every of them, by himself or themselves, or by his or their deputy or deputies, servants or agents, or such others as he the said Edward Bancroft, his executors, administrators, or assigns, shall at any time agree with, and no other, from time to time, and at all times during the term of years herein before last mentioned, shall, and lawfully may, make, use, exercise, and vend the said invention herein before mentioned, with all and every the additions and improvements thereof, within that part of his Majesty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, in such manner as to him the said Edward Bancroft, his executors, administrators, and assigns, or any of them, shall, in his or their discretion, seem meet; and that the said Edward Bancroft, his executors, administrators, and assigns, and every of them, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising, by reason of the said invention, for and during the said term of fourteen years, herein before last mentioned; to have, hold, exercise, and enjoy the said privileges and authorities, and every part thereof, unto the said Edward Bancroft, his executors, administrators, and assigns, for and during, and unto the full end and term of fourteen years, from the passing of this act as aforesaid; and that no other person or persons within that part of his Majesty's kingdom of Great Britain called England, the dominion of Wales, and the town of Berwick upon Tweed, shall at any time, during the same term of fourteen years, either directly or indirectly, make, use, or put in practice the said invention, or any part of the same, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any addition thereunto, or subtraction from the same, whereby to pretend himself, herself, or themselves, the inventor or inventors, deviser or devisors thereof, without the licence, consent, or agreement of the said Edward Bancroft, his executors, administrators, or assigns, in writing under his or their hand and seal, or hands and seals, first had and obtained, in that behalf, upon such pains and penalties as can or may be justly inflicted on such offender or offenders, for his, her, or their contempt of this act; and further to be answerable to the said Edward Bancroft, his executors, administrators, and assigns, according to law, for his or their damages thereby occasioned.

Edward Bancroft, his executors, etc.
for 14 years.

Penalty on other persons using the invention without license, etc.

II. Provided always, and it is hereby declared, That nothing contained in this act shall extend, or be construed to extend, to prejudice This act not to hinder the using any in-

vention which is not the invention or application of Edward Bancroft, etc.

prejudice or hinder any person or persons from making or using any invention, which is not of the invention or application of the said *Edward Bancroft*, of using certain vegetables growing spontaneously in *North America*, as described in his Majesty's letters patent aforesaid, or which is not, or at the date of the said letters patent was not, a new invention, as to the publick use and exercise thereof within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*; and that every objection which might have been justly made to the said invention not being a new invention within the true intent and meaning of an act of the twenty-first of *James the First*, sufficient to invalidate letters patent, may be made in bar to any action brought by virtue or in consequence of this act.

If Edward Bancroft, etc. shall transfer the privilege of his invention to more than five persons, etc.

III. Provided also, That if the said *Edward Bancroft*, his executors, administrators, or assigns, or any person or persons who shall, at any time during the said term of fourteen years from the passing of this act, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, or any share or shares of the benefit or profits thereof, or shall declare any trusts thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened, any book or books for publick subscriptions to be made, by any number of persons exceeding the number of five, in order to the raising of any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, or shall, by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes, or shall presume to act as a corporate body, or shall divide the benefit of the liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, into any number of shares exceeding the number of five, or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as the said *Edward Bancroft*, his executors, administrators, or assigns, or any such person or persons shall have any such right, title, or interest, either in law or equity, which shall be contrary to the true intent and meaning of an act of parliament made in the sixth year of the reign of his late majesty King *George the First*, (intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty, by two charters for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned*); or in case the said power, privilege, or authority, shall at any time become

or shall do any thing contrary to the recited act,

6 Geo. I. c. 18.

become vested in, or in trust for more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as but for the single person whom they represent, as to such interest as they are or shall be intitled to in right of such their testator or intestate); that then, and in every of such cases, all liberties and advantages whatsoever, hereby granted and vested in the said *Edward Bancroft* his executors, administrators, and assigns, shall utterly cease, determine, and become void; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

then this act to become void.

IV. Provided also, and be it further enacted and declared by the authority aforesaid, That if the said *Edward Bancroft*, his executors, administrators, or assigns, or some one of them, shall not particularly describe and ascertain the nature of the said invention, in its present improved state, by an instrument under his hand and seal, and cause the same to be inrolled in the high court of chancery, within four calendar months after the passing of this act, that then all the liberties, powers, privileges, and advantages, hereby granted and vested in the said *Edward Bancroft*, his executors, administrators, and assigns, shall cease, determine, and be and become absolutely void; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Edward Bancroft, etc. to cause a specification of the nature of his invention to be inrolled in chancery within four months; or to lose the benefit of this act.

V. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. XXXIX.

An act for the better preserving and maintaining the piers and harbour of Cromarty in North Britain.

WHEREAS Cromarty Bay in North Britain, has, in all times been a most safe road stead to ships of all nations overtaken with storms, in any part of the German ocean; and the erection of a pier and harbour, has been judged beneficial to navigation in general, and to the commerce of that part of the united kingdoms in particular: and whereas George Rofs of Cromarty, esquire, proprietor of the bircny of Cromarty, and of the port and harbour, has given up, for the benefit of the publick, the ground and coast necessary to be occupied by the said harbour and pier; and his Majesty has been graciously pleased to grant the sum of five thousand pounds, out of the produce of the forfeited estates in Scotland, towards erecting the said harbour and pier: and whereas the main pier is erected, and one of the other piers, or jetties, to compleat the said harbour, is begun to be erected: and whereas the above sum of five thousand pounds not being sufficient for erecting and completing the said piers and harbour, the said George Rofs has undertaken to complete the same at his own expence; but the said harbour and piers, of so great publick utility,

cannot

cannot be maintained and preserved, without such tolls as are levied as may be adequate to that purpose: and as the same cannot be effected without the aid and authority of parliament: may it therefore please your Majesty that it may be enacted, &c.

Sheriff depute for the counties of Ross and Cromarty, the provosts of Dingwall and Portrose, and the barge baillie of Cromarty, to be trustees. From Aug. 1, 1785, trustees may collect the following tolls: For every boll of grain, consisting of 4 firlets, one halfpenny: for every boll of meal, one farthing: for every barrel of English coals, of three bushels, one halfpenny: for every ton of Scots coals, twenty hundred weight, 3d.: for every gross of quart bottles, 1d.: for each 100 bolls of lime, 1s. 6d.: for each boll of foreign salt, three farthings: for each boll of native salt, one halfpenny: for every 40 solid feet of wood in logs, 4d.: for each 1000 slates and pantiles, 6d.: for each 1000 bricks, 4d.: for each barrel of salmon, 1d. 10s.: for each 100 salmon kits, 1s. 8d.: for each barrel of herrings, three farthings: for each 100 barrel hoops, one halfpenny: for each 150 half barrel hoops, one halfpenny: for each 1000 Virginia barrel staves, 1s. other goods according to value, 2 per cent.: for each barrel of goods, 1d.: for each small parcel, one halfpenny: for all empty casks, one fourth of what they pay when full. Anchorage duties: Vessels of 300 tons, 8s. ditto of 200, 7s. ditto of 150, 6s. ditto of 100, 5s. ditto of 75, 4s. ditto of 50, 3s. ditto of 30, 2s. ditto of 15, 1s. ditto of 6, 6d. under 6, 3d. Owners of vessels to permit them to be measured, on penalty of 5l. Collectors and other officers to be appointed. To prevent evading the payment of the rates and duties, not to enter or clear out, without receipt for duty. Duties to be paid. In case of refusal, to be levied by distress. Owners of vessels refusing to pay duties, to forfeit 5l. sterling. Trustees empowered to borrow 3000l. Rates, &c. to be applied to the repair of the works of the harbour. Obstructions to be removed. Goods not to remain on the piers more than forty-eight hours. Warehouses to be prepared for depositing goods. Gunpowder and other combustibles to be removed off the quays. Ships may be removed from one berth to another. Allowing ships in distress a preference. Throwing ballast, etc. into the harbour, 40s. penalty. Ballast, etc. to be removed off the quays. Masters of vessels answerable for damages done by their crews. Fish not to lye on the quays above forty-eight hours. Penalties and forfeitures above 5l. to be recovered by actions, and applied to the purposes of the act. For recovering penalties under 5l. before a justice. Penalties and forfeitures may be mitigated. Materials may be taken. Roads to be made to quarries for getting materials. Persons destroying the works, may be committed for twelve months. Bye-laws may be made. Saving the right to the ferry, etc. Act to commence Aug. 1, 1785, and to continue twenty-one years. Act may be pleaded in actions brought. Justices, etc. to assist in the execution of this act; which shall be deemed a publick one.

C A P. XL.

An act for more effectually preventing frauds and abuses committed by persons employed in the manufactures of combing wool, worsted yarn, and goods made from worsted, in the counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely.

Preamble.
Recital of
acts 22 Geo.
2. c. 27.

WHEREAS, by an act made in the twenty-second year of the reign of his late majesty King George the Second, intituled, An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp,

hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages; and by another act, made in the fourteenth year of the reign of his present majesty King George the Third, intituled, An act to amend an act, made in the twenty-second year of the reign of his late majesty King George the Second, intituled, *An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages: and by another act, made in the fifteenth year of the reign of his said present Majesty, intituled, An act to explain and amend an act, made in the fourteenth year of his present Majesty, intituled, An act to amend an act, made in the twenty-second year of the reign of his late majesty King George the Second, intituled, "An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and silk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manufactures; and for the better payment of their wages;" certain penalties and punishments in the said acts respectively mentioned, are inflicted upon all persons who shall reel short or false yarn, and on persons embezzling the materials used in the said manufactures: and whereas the good purposes in the said laws have been greatly frustrated, from the manufacturers of combing wool, worsted yarn, and goods made from worsted, being unwilling to expose themselves singly to the loss attending the resentment of the spinners and work-people, by prosecuting them for offences against the said acts: and whereas this important branch of the woollen manufacture will be greatly prejudiced thereby, unless the manufacturers are enabled jointly to carry these laws into effectual execution; which cannot be done without the aid of parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a general meeting of the manufacturers of combing wool, worsted yarn, and goods made from worsted, in the counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely, shall be held at Kettering, in the county of Northampton, upon the second Tuesday in the month of August next ensuing after the passing of this act, at the hour of eleven of the clock in the forenoon of the same day, notice of which shall be given in the Northampton, Cambridge, Stamford, and Lincoln newspapers, at least twenty-one days before the said meeting, by the clerk of the peace for the*

General meeting of manufacturers appointed,

who are to
choſe a com-
mittee.

Powers of the
committee.

Committee to
appoint.

his duty.

county of *Northampton*; at which ſaid general meeting the ſaid manufacturers preſent, by themſelves or proxies appointed by writing under the hands of any ſuch manufacturers, ſuch proxies (if any) being alſo manufacturers, ſhall have votes; and having firſt choſen a chairman, the ſaid manufacturers ſhall elect, nominate, and appoint eighteen perſons from amongſt themſelves, in the manner and proportions following; *videlicet*, from the county of *Bedford* ſix; from the county of *Huntingdon* three; from the county of *Northampton* three; from the county of *Leiceſter* two; from the county of *Rutland* two; from the county of *Lincoln* three, *videlicet*, ſix from the parts of *Lincoln* one from the parts of *Bedford*, and one from the parts of *Leiceſter*; and from the *Iſle of Ely* two; which ſaid eighteen perſons ſo to be elected, ſhall be a committee of the ſaid manufacturers for the time being, and until another committee ſhall be appointed in the manner herein-after provided. ſuch as there ſhall be occaſion; which committee ſhall be authorized and empowered to nominate and recommend proper perſons for the ſaid counties, and the ſaid *Iſle of Ely* reſpectively, to be licenſed by the juſtices of the peace of the ſaid counties, and the ſaid *Iſle of Ely* reſpectively, at any of their quarter ſeſſions, or any adjournment thereof, or if no adjournment, then by two juſtices of the peace for any of the ſaid counties, and the ſaid *Iſle of Ely*, to be inſpectors for the purpoſes herein-after mentioned; and the ſaid committee ſhall alſo have the direction of all proſecutions of offenders againſt this and the ſaid before-mentioned acts, and the management of the fund or funds herein-after to be created, and ſhall have power to do all other matters and things which may be deemed neceſſary and proper for carrying this act into execution, in ſuch manner as the ſaid committee of the manufacturers for the time being, or the majority of them, at a quarterly meeting to be aſſembled, ſhall judge and think beſt for the intereſt and advantage of all the ſaid manufacturers in the ſaid counties of *Bedford*, *Huntingdon*, *Northampton*, *Leiceſter*, *Rutland*, and *Lincoln*, and the *Iſle of Ely*.

II. And be it further enacted, That it ſhall be lawful for the ſaid committee, or the majority of them, at any quarterly meeting aſſembled, and they are hereby authorized and required, from time to time, to nominate and appoint, by writing under their hands, a proper perſon or perſons to be their clerk or clerks for the ſeveral counties before mentioned, and the *Iſle of Ely*; which ſaid clerk or clerks ſhall attend the meetings of the ſaid committee, and ſhall, in proper books to be provided for that purpoſe, enter and keep true and perfect accounts of all the acts, proceedings, and tranſactions of the ſaid committee; and that each and every of the ſaid manufacturers ſhall and may, at all convenient times, have recourſe to and peruſe and inſpect all ſuch books gratis, and may demand and have copies thereof, or of any part thereof, paying two-pence for every one hundred words ſo to be copied; and if any ſuch

such clerk shall refuse to permit any such manufacturer to inspect any such book, or refuse to make copies or extracts thereof, at the rate or times aforesaid, he shall, for every such offence; forfeit the sum of five pounds, to be recovered in such manner as any other penalties inflicted by this act are directed to be recovered.

III. And be it further enacted, That for the purposes aforesaid a meeting of the said committee for the time being shall be held four times in every year, (that is to say), on the *Monday* before *Midsummer-day*, the *Monday* before *Michaelmas-day*, the *Monday* before the *Epiphany*, and the *Monday* before *Easter-day*, at eleven of the clock in the afternoon of each and every of the said days, in any of the counties before-mentioned, which the said committee shall think the most convenient place for transacting the business; and the committee at such quarterly meetings shall have power to adjourn themselves from time to time, as occasion may require; the first of which said quarterly meetings shall be held on the first of the said days on which the said quarterly meetings are herein-before appointed to be held, which shall first happen after the election of such committee for the several counties before mentioned, and the said *Isle of Ely*, and at such place as shall be fixed and agreed upon by such committee after their election; and at such first quarterly meeting, and every subsequent quarterly meeting, of such committee for the time being, a chairman for each of such quarterly meetings shall be chosen, and the place at which the then next quarterly meeting shall be held shall be fixed upon and appointed by the majority of such committee then assembled, and the chairman of such committee is hereby required to cause fourteen days notice to be given of the time and place of the next following quarterly meeting of such committee, in the *Norampton, Cambridge, Stamford, and Lincoln* newspapers; and all matters or things that shall come before such committee for their determination shall be determined by a majority of votes of the members of such committee there present; and if there shall be an equality of votes upon any question which shall come before the said committee, then the chairman shall have a casting vote, by which vote such question in dispute shall be determined.

Quarterly meetings appointed.

Chairman to be chosen.

Questions to be determined by a majority.

IV. Provided nevertheless, That in case, at any such quarterly meetings, there shall not be present and assembled seven of the persons constituting such committee, then and in such case it is hereby declared, that no business whatsoever shall be done at such meeting, and the majority of the persons then present shall cause fourteen days notice to be given in the *Norampton, Cambridge, Stamford, and Lincoln* weekly newspapers, of the then next ensuing quarterly meeting.

No business to be done at quarterly meetings, unless seven members are present.

V. Provided also, That if, at any time after the expiration of two years from the passing of this act, the said committee shall judge it sufficient for the purposes of this act to meet half-yearly only, instead of quarterly, that then the said committee

After two years, half-yearly meetings only may be holden.

shall not afterwards be obliged to hold their meetings oftener than twice in every year, which meetings shall be holden upon the Monday before Michaelmas-day, and the Monday before Easter-day; and the committee at every such half-yearly meeting shall be subject to the like regulations and directions, and shall have the like powers and authorities, in all respects, as are in this act mentioned or contained with respect to the said quarterly meetings; any thing herein-before contained to the contrary hereof notwithstanding.

Three committee men may call a special meeting.

VI. And be it further enacted, That if at any time it shall appear to any three or more of such committee for the time being, that, for the more effectually executing any of the powers granted by this act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where, and the time when, such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting seven of the said committee, it shall be lawful for the said committee, so present, to proceed in the execution of the powers given by this act to such committee.

New committee men to be chosen upon vacancies.

VII. And be it further enacted, That in case any one or more of the said committee for the time being shall die, or shall decline business as a manufacturer or manufacturers, or shall go to reside in any county not subject to the regulations of this act, or shall wilfully absent himself or themselves from the said quarterly meetings, for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being, at any of their said quarterly meetings, there being seven of such committee then present, to chuse another or other proper person or persons, being a manufacturer or manufacturers of combing wool, worsted yarn, or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

If committee neglect their

VIII. And be it further enacted by the authority aforesaid, That if, at any time hereafter it shall appear to any sixty or more of the manufacturers of combing wool, worsted yarn, or goods made from worsted, within the said counties of Bedford, Huntingdon, Northampton, Leicesters, Rutland, and Lincoln, and the Isle of Ely, that the said committee for the time being neglect to discharge their duty, to the ends, intents, and purposes for which such committee was appointed; and in case such sixty or more of such manufacturers, so dissatisfied, shall, in writing under their hands, make complaint thereof to the justices of the peace for the county of Northampton, in any of the general or quarter sessions of the peace, or in any adjournment thereof, for the aforesaid county, to be held and assembled, then and in such

justices may, on complaint thereof, call a general meeting.

such case it shall be lawful for such justices, in such sessions assembled, and they are hereby required (if they shall think proper after hearing the nature of such complaint) to call and appoint a general meeting of the manufacturers of combing wool, worsted yarn, and goods made from worsted, within the aforesaid counties, and the *Iste of Ely*, at such time and place as such justices shall think proper, and shall also cause notice to be given of such general meeting of such manufacturers as aforesaid, in the *Northampton, Cambridge, Stamford, and Lincoln* newspapers, setting forth the place where, and the time when, such general meeting shall be held, ~~the same~~ not being less than twenty-one days after such notice given in the said papers, and which notice shall be continued in the said papers until such meeting shall be held; and it shall be lawful for such manufacturers, then present at such general meeting, called and held in manner aforesaid, to elect, nominate, and appoint a committee, consisting of the same number of persons, and in the like manner, and under and subject to the like orders, regulations, and directions as is and are herein before laid down and ordered for the election of the first committee; and the persons so elected, nominated, and appointed to be a new committee in manner aforesaid, shall thereupon be invested with the same powers and authorities as the former committee were invested with.

IX. And, for preventing frauds and abuses for the future by persons employed in the said manufactures of combing wool, worsted yarn, and goods made from worsted, and for the more effectual carrying this act into execution, be it further enacted, That the justices of the peace for the said counties, and the *Iste of Ely* respectively, at their next quarter sessions of the peace to be holden for the said counties, and the said *Iste of Ely* respectively, or any adjournment thereof, after *Michaelmas* next after the passing of this act, or in case of no adjournment, then any two justices shall and may, and they are hereby authorized and required to license and appoint such persons of good character and repute, within the aforesaid counties, and the *Iste of Ely*, as shall be recommended to the said justices by the said committee of manufacturers, in writing under their hands, to be inspectors of worsted yarn within the said counties, and the *Iste of Ely*. Justices to appoint inspectors of yarn.

X. And be it further enacted, That the said committee of manufacturers for the time being shall and may, and they are hereby authorized to station such inspectors for such districts in the said counties, and the *Iste of Ely*, as the said committee shall think proper, and shall and may assign, allow, and pay to the said inspectors so appointed, such yearly salaries as the said committee shall think proper, to be paid out of the fund herein-after mentioned to be raised for that and the other purposes of this act, and also shall and may remove, dismiss, and displace any of such inspectors, who by sickness, or any other accident, shall be rendered incapable of serving the said office, or shall misbehave, or not conduct himself or themselves to the satisfaction of such committee. Committee to station inspectors, and allow them salaries.

inspectors to
use diligence
in convicting
and bringing
offenders to
justice :

their power.

Directions
how worsted
yarn shall be
reeled.

Bedfordshire.

Huntingdon-
shire.

XI. And be it further enacted, That the said inspectors for the time being, so appointed, shall severally and respectively, in the several districts allotted to them by the said committee, use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former acts, and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said counties, and the *Iſle of Ely*, and also the hanks of worsted yarn, in order to see that the directions herein-after mentioned for reeling such yarn be complied with; and also shall and do, from time to time, when and as they, or any of them, shall detect any person or persons offending against this, or the said former acts, lodge informations against such offender or offenders before any justice or justices of the peace for the county or place where such offence shall be committed, and prosecute such offender or offenders to conviction: and it shall be lawful for every such inspector, from time to time, as occasion shall require, to inspect the yarn in the custody of any manufacturer or putter-out of wool, or of any agent or agents hired or employed by him, or of any spinner of such wool or worsted yarn, within the said counties, and the *Iſle of Ely*; and in case any such person shall refuse to shew and produce the yarn in his custody, he shall forfeit and pay such sum of money, not exceeding ten pounds, nor less than five pounds, if a manufacturer or putter-out of wool, or an agent or agents, or person or persons hired or employed to put out wool; and if a spinner or spinners, then a sum not exceeding twenty shillings, nor less than five shillings, as such justice or justices before whom he, she, or they shall be convicted, shall think proper, to be recovered and applied as herein-after mentioned.

XII. And be it further enacted, That every person or persons employed or undertaking to spin or reel worsted yarn for hire in the said counties, and the *Iſle of Ely*, shall reel, or cause or procure the same to be reeled, either upon a yard reel of thirty-six inches, or a seven quarter reel of sixty-three inches, or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, each and every several hank or skain of such worsted yarn which shall be so reeled shall consist of or contain such a number of raps or leas, each and every of which raps or leas consisting of or containing eighty threads of such worsted yarn, as is herein-after specified; (that is to say,) the worsted yarn spun in the county of *Bedford* shall be six or seven leas reeled on the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Huntingdon* shall be six or seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Northampton* shall

shall be six or seven leas to the skain, reeled on the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Leicester* shall be six or seven leas reeled upon the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Rutland* shall be six or seven leas reeled upon the yard reel, according to the custom of that county: the worsted yarn spun in the county of *Lincoln* shall be seven leas, reeled upon the yard reel, or two yard reel: and the worsted yard spun in the *Ile of Ely* shall be seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel.

Leicester-shire.

Rutlandshire.

Lincolnshire.

Ile of Ely.

XIII. And be it further enacted, That all persons employed to put out wool for spinning, shall confine themselves, either to fix or seven lead yarn, but shall by no means put out both from the same place, nor shall any such person or persons take in, or have in his possession at one or the same time, the wool or yarn belonging to more than one manufacturer; and that every person or persons who shall put out wool, or take in yarn, otherwise than as above specified, shall pay forty shillings, upon conviction of such offence by the oath (or, if the witness be of the people called *Quakers*, solemn affirmation) of one witness, which penalty shall be paid into the hands of the nearest inspector, and shall be levied by warrant under the hand and seal of the justice before whom such offender shall be convicted, for the benefit of the persons interested in the fund herein-after directed to be established; and that the said committee may and shall give instructions to the spinners, or agents employed to put out wool for spinning, that every hank or skain shall be the work of one spinner only; and that if any person shall be suspected of having mixed the work of two or more spinners in one hank, and it shall be made appear before one justice of the peace, by the oath (or, if the inspector is of the people called *Quakers*, by the solemn affirmation) of the inspector, that in his opinion the suspected hank or hanks is or are of such different degrees of unevenness as will be prejudicial to the said manufacturers, then, and in such case, it shall be lawful for the said justice to convict the person who shall have delivered in the said hank or hanks of having mixed the same as aforesaid, and such person, for every such hank, shall forfeit the sum of sixpence; and if a pound of yarn, more or less, be wrapt about with a skain of yarn, it shall be equal in goodness, and contain the same number of leas as the hanks in the pound or pounds are directed to be; and that the leas be divided in manner following; (that is to say,) three double leas and a single lea for the seven leas, and three double leas for the six lead yarn: provided always, That every spinner to whom any wool or yarn shall be put out by any manufacturer, who shall keep the same in his or her custody more than four months before it is wrought or delivered back to such manufacturer, or his agent, shall be deemed guilty of embezzling the same.

General regulations for putting out wool for spinning, etc.

XIV. And be it further enacted, That if any person or persons,

Penalties on
false reeling
of worsted
yarn.

sons, hired or employed in the combing of wool, or in the spinning, reeling, winding, or weaving of worsted yarn, or in the preparing or working up any of the materials used in the said manufactures, in the said counties, or the *Isle of Ely*, shall reel, or cause to be reeled, or tie up, or cause to be tied up, any worsted yarn, contrary to the directions before specified and laid down for the reeling and tying up such yarn, or shall conceal, keep back, embezzle, sell, or otherwise dispose of any wool, or other materials intrusted with him, her, or them, to spin, or for other purposes, and shall of all or any of such several offences, be lawfully convicted, before any one or more justice or justices of the peace for the county, liberty, division, city, town, or place, where such offence or offences shall be committed, upon the oath (or, if the owner thereof be of the people called *Quakers*, solemn affirmation) of the owner of such yarn or wool, or upon the oath or affirmation as aforesaid of the inspector or inspectors appointed as aforesaid, or of any one or more credible witness or witnesses, (which oath or affirmation such justice or justices is and are hereby empowered and required to administer,) or by the confession of the person or persons charged with all or any of such offences, every such person shall, for each and every such offence, be subject and liable to the same penalties and punishments as are severally inflicted by the said former acts, so far as the said former acts, or any of them, are unrepealed; all which penalties shall be recovered, and punishments inflicted, in the manner directed by the said acts, or any of them, and which said penalties shall be publickly distributed, by the constable of the township, parish, or place, where such offence or offences shall be committed, in the presence and under the direction of the said inspector or inspectors, amongst the poor of such township, parish, or place.

Prosecutors
not liable to
charges of
conveying
offenders to
prison.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to the subjecting any prosecutor or prosecutors of any offender or offenders against this, and the said former acts, to any charges or expences of conveying such offender or offenders to prison; but such charges and expences shall be paid and borne by the constable or other officer conveying such offender or offenders to prison, and such constable or other officer shall be reimbursed and repaid such charges and expences, in like manner as he is reimbursed and repaid any other charges or expences incurred in his said office.

No part of
penalties to
be given to
offenders or
their families.
Penalty on
agents re-
fusing to dis-
cover persons

XVI. Provided nevertheless, That no part or share of such penalties or forfeitures be given to such offender or offenders, his, her, or their family or families.

XVII. And be it further enacted, That if any agent or person hired or employed to put out wool to be spun into worsted yarn, shall have in his or her custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse, or
not

not ſet forth and give in evidence, before any of his Maſteſty's juſtices of the peace for the county, liberty, diſtrict, city, town, or place, wherein ſuch agent or perſon ſhall reſide, being there- to required, what perſon or perſons was or were the reeler or reels of ſuch falſe or ſhort yarn, or who was or were hired or employed to reel the ſame, ſo that the perſon or perſons who reeled or cauſed to be reeled ſuch falſe or ſhort yarn may be lawfully convicted thereof in manner aforeſaid, he, ſhe, or they, ſo reſuſing, or not ſetting forth, or giving in evidence as afore- ſaid, and being thereof lawfully convicted, upon the oath of any perſon or perſons, before any ſuch juſtice or juſtices of the peace, ſhall forfeit and pay the ſum of five ſhillings for every parcel of yarn made up as and for a pound, ſo falſe and ſhort reeled, which ſhall be found in his or her cuſtody; all which penalties, inflicted by this act, ſhall be recovered in the ſame manner as the penalties inflicted by the ſaid former acts are directed to be recovered, and ſhall go, be paid, and applied by every ſuch perſon, and in ſuch manner and form, to the poor of the townſhip or place, as the penalties herein before men- tioned are directed to be paid and applied.

XVIII. *And forasmuch as doubts have ariſen, whether the goods and chattels of a huſband, whoſe wife ſhall offend againſt the ſaid former acts, are liable to diſtreſs and ſale for raiſing the penalties thereby created; be it therefore further enacted, That, from and after the paſſing this act, all ſuch penalties as ſhall be incurred by any married woman or married women ſhall and may be recovered, levied, and raiſed, by diſtreſs and ſale of the goods and chattels of the huſband or huſbands of ſuch married woman or women ſo offending againſt this act, in the manner directed by the ſaid former acts, or any of them.*

Goods of huſbands, whoſe wives offend, liable to diſtreſs and ſale.

XIX. Provided always, and be it further enacted, That if any perſon who ſhall be ſo appointed an inſpector of worſted yarn ſhall happen to die, or ſhall be removed or diſplaced from his ſaid office, it ſhall be lawful for the juſtices of the peace of the ſaid counties, or the *Iſſe of Ely* reſpectively, in quarter ſeſſions aſſembled, or in any adjournment thereof, to liſenſe ſome other proper perſon or perſons to be an inſpector or inſpectors of worſted yarn within the ſaid counties, and the *Iſſe of Ely*, upon the recommendation of the committee men, or the majority of them, reſiding in ſuch county, or the *Iſſe of Ely*, within which the inſpector or inſpectors, ſo dying, removed, or diſplaced, ſhall have acted; which ſaid perſon or perſons ſhall be inveſted with all the powers, and ſubject to the like removal, and liable to the like penalties for any breach or neglect of duty, as the inſpector or inſpectors in whole place or places he or they ſhall be appointed to ſucceed, was or were inveſted with, or ſubject or liable to.

Upon the death of inſpectors, others to be appointed.

XX. And be it further enacted, That in caſe any inſpector or inſpectors, ſo appointed as aforeſaid, ſhall at any time or times hereafter take or receive, from any perſon or perſons offending againſt this or the ſaid former acts, any ſum or ſums of money,

Puniſhment of inſpectors ſcreening offenders from juſtice.

money, or any other thing whatſoever, to ſcreen from juſtices or otherwiſe to hinder or prevent ſuch perſon or perſons, ſo offending as aforeſaid, from being convicted for ſuch offence or offences, and being thereof convicted upon oath (or, if the witneſs be of the people called *Quakers*, ſolemn affirmation) of two or more credible witneſſes, before any one or more juſtices or juſtices of the peace of the county, liberty, diſtrict, city, town, or place where ſuch offence ſhall be committed (which oath or affirmation ſuch juſtice or juſtices is and are hereby empowered to adminiſter), then, and in ſuch caſe, it ſhall be lawful for ſuch juſtice or juſtices of the peace to commit ſuch inſpector or inſpectors, ſo offending, to the houſe of correction, or other publick priſon, in the county, diſtrict, liberty, city, town, or place, where ſuch offence ſhall be committed, for the ſpace of one month.

XXI. *And whereas, by ſeveral acts of parliament made in the tenth and twelfth years of the reign of Queen Anne, and ſeveral ſubſequent acts, the collectors of the duties upon ſoap, by the ſaid acts granted, are directed to pay out of the monies in their hands, by way of drawback, unto any perſon or perſons who ſhould employ any quantity of ſoap in the making of any manufacture whereof the greateſt part of the value of the materials ſhould be wool, or in preparing the wool for the ſame, the duties upon the ſoap ſo ſpent and conſumed as aforeſaid; and to the end that a ſufficient fund may be raiſed for defraying the expences in and about obtaining this act, and for paying the ſalaries of the inſpectors, and clerk or clerks to be appointed under and by virtue and for the purpoſes of this act, as aforeſaid, and all other neceſſary expences attending the carrying this act into execution, under the direction of the ſaid committee, be it further enacted, That it ſhall and may be lawful to and for all and every the collector or collectors, ſuperviſor or ſuperviſors, or other perſon or perſons employed in the collection of the duties on ſoap within the counties aforeſaid, and the ſaid *Iſle of Ely*, and who by the ſaid acts are directed to pay ſuch drawback of the duties on ſoap to ſuch manufacturers as aforeſaid, and ſuch collector or collectors, ſuperviſor or ſuperviſors, or other perſon or perſons, is and are hereby required from time to time to deduct and retain the ſum of four-pence out of every ſhilling, to which any perſon, being a maſter manufacturer of combing wool, worſted yarn, or goods made from worſted, reſiding within the counties aforeſaid, or the *Iſle of Ely*, ſhall from time to time hereafter be entitled, and of which he, ſhe, or they ſhall demand payment under or by virtue of the ſaid acts, or any other act or acts of parliament whatſoever, as and for the duties of and for all ſoap ſpent, employed, and conſumed in the combing of wool, making of worſted yarn, or any kind of goods made from worſted, or preparing the wool for the ſame, in the ſaid counties, and the *Iſle of Ely*; and ſuch collector or collectors, ſuperviſor or ſuperviſors, or other perſon or perſons, and each and every of them, ſhall ſeverally and reſpectively pay, or cauſe to be paid, into the hands of the treaſurer or treaſurers appointed*

Fund to be
eſtabliſhed for
defraying the
expences of
the execution
of this act.

appointed by the ſaid committee, at their quarterly meeting (demand being made thereof), all and every the ſum or ſums of money by him, them, or any of them, ſo deducted, retained, had, or received, under and by virtue, and for the purpoſes of this act, ſuch treaſurer or treaſurers giving ſecurity, to the ſatisfaction of the ſaid committee, for all ſums ſo received by him or them.

XXII. Provided nevertheless, That the drawback of the duties on all ſoap which ſhall be ſpent, employed, or conſumed within the ſaid county of *Leiceſter*, in preparing and combing of wool, and making of worſted yarn, uſed in the ſtocking-weaving manufacture, and in ſitting wove ſtockings for ſale, ſhall, upon oath, (or, if the perſon be of the people called *Quakers*, ſolemn affirmation) being firſt made, that the ſoap was ſpent, employed, and conſumed in the ſaid ſtocking-weaving manufactory, be entirely exempted from the above-mentioned deduction; which oath or affirmation any juſtice of the peace is hereby impowered to adminiſter.

Drawback on ſoap uſed in the ſtocking manufacture in *Leiceſterſhire* exempt from the deduction.

XXIII. Provided alſo, That the ſaid committee may and ſhall repay all manufacturers of harroteens that make their own yarn, within the county of *Northampton*, whoſe rate of ſpinning does not exceed ten ſkains or hanks in a pound on the average, fix ſeas to the hank or ſkain on the yard reel, half of the money which ſhall have by them been paid out of their drawback on ſoap the preceding year, ſuch manufacturers certifying the ſame to the ſaid committee on oath (or, if the perſon be of the people called *Quakers*, ſolemn affirmation), which oath or affirmation any juſtice of the peace is hereby impowered to adminiſter; but if a manufacturer makes any other ſort of goods beſides harroteens, or any other ſort of yarn beſides that which is uſed in the manufacturing of harroteens, he ſhall be ſubject to the ſame drawback or deduction, out of his drawback, as any other maker of worſted yarn.

Power to repay manufacturers of harroteens in *Northamptonſhire* part of the money paid out of their drawbacks.

XXIV. And be it further enacted, That the ſaid treaſurer or treaſurers for the time being ſhall, out of the money hereafter to be received by him or them in manner aforeſaid, pay the charges and expences of obtaining and paſſing this act, and the expences relative thereto, together with intereſt for all or any part of ſuch expences, the ſalaries of the inſpectors and clerk herein-before directed to be appointed, the expences of all proſecutions in ſupport of this, and the ſaid former acts, and ſuch other charges and expences as may be hereafter incurred or expended for the ſupport and encouragement of the ſaid manufacture, as the ſaid committee, in committee aſſembled, ſhall, by writing under their hands, direct or appoint; and the ſaid treaſurer or treaſurers is or are alſo hereby required not to pay any ſum or ſums of money, to be hereafter received by him or them for the purpoſes of this act, in manner aforeſaid, to any perſon or perſons whomſoever, or for any purpoſes whatſoever, without ſuch order, direction, or appointment in writing, under the hands of ſuch committee for the time being, in committee aſſembled;

The treaſurers to repay the charges of this act out of monies to be received.

assembled; and such treasurer or treasurers shall lay their account before the said committee for examination whenever they may require the same, and shall return and transmit to the said committee a true and perfect account of all and every the sum or sums of money which shall have come to his or their hands, or been paid by him or them, from time to time, as often as the said committee shall require the same.

The rate of 4d. in the shilling may be increased or reduced.

XXV. And it is hereby further enacted, That in case, at any time hereafter, the monies herein-before directed and ordered to be paid into the hands of the treasurer or treasurers for the purposes aforesaid, shall, after payment of all and every the charges and expences herein-before ordered and directed to be paid thereout, amount to the sum of two hundred pounds only, then, and in such case, it shall be lawful for the said committee, by writing under their hands, to make orders for increasing the aforesaid four-pence *per* shilling, which the collectors and supervisors of excise are herein-before directed to retain in their hands, to any sum not exceeding sixpence in the shilling, as they may think necessary, until the fund shall amount to five hundred pounds; and from time to time, upon like application, reduce the same to three-pence, two-pence, or one penny, so as the fund in the treasurer or treasurers hands shall not exceed five hundred pounds, nor be reduced to less than two hundred pounds, and so as the same shall not exceed the rate, proportion, or sum of sixpence *per* shilling, herein-before directed to be deducted and retained as aforesaid.

Water mill spinning machines not to be subject to the provisions of the act.

XXVI. And whereas it is found inconvenient to subject certain machines, wherein worsted yarn is spun by means of a water mill, to the entrance of an inspector or inspectors; be it therefore enacted, That all such machines shall be exempted from the several provisions of this act, and that no order of any of the aforesaid committees shall have power to extend to the drawback allowed on soap used in the washing of wool to be spun in the said machines: provided that all persons possessed of any such machines, who shall also give out wool to be spun by hand, shall cause the wool intended for spinning by hand to be washed in some place or places different and distant from that whereat they shall wash the wool for any such machine, and shall from time to time exhibit to the collectors or supervisors of his Majesty's excise, and to the committee aforesaid, if required, a separate account of the wool washed in each place, and intended for each purpose herein mentioned, which account shall be verified upon oath (or, if the owner or owners be of the people called *Quakers*, solemn affirmation) of the owner or owners, conductor or conductors of such machines, which oath or affirmation any justice of the peace is hereby impowered to administer.

Members of the committee within each county, or the Isle of Ely, may ap-

XXVII. Provided always, and be it further enacted, That it shall be lawful for such of the members of the said committee as shall be appointed for, or reside within any of the said counties respectively, or the said Isle of Ely, or the majority of them, and they are hereby respectively authorised and impowered from time.

time to time, whenever they shall judge necessary, to appoint such number of persons to be additional inspectors within and for their respective counties, or the *Ile of Ely* (the charges and expences attending such appointment to be paid and defrayed out of the money subscribed or to be subscribed, as herein-after mentioned), and also to make such regulations, and do such acts, matters, and things, as they shall think proper for carrying the purposes of this act into execution within, and so far only as relates to their respective counties, or the said *Ile of Ely* (except the removing of inspectors to be nominated by the said committee); and all such additional inspectors so to be appointed (being approved of by the justices of the peace for such respective counties, or the *Ile of Ely*, but not otherwise), shall have the same powers and authorities of acting as inspectors within such respective counties, or the *Ile of Ely*, for or in respect of which they shall be appointed, as are herein-before given to the inspectors which shall have been nominated by the said committee in pursuance of this act; and that all such regulations, acts, matters, and things, so to be made as aforesaid, shall be as valid and effectual as if the same had been made or done by the said committee, until the next quarterly meeting of the said committee, at which quarterly meeting a report shall be made of such regulations, acts, matters, and things, and the said committee, at such quarterly meeting, shall, and are hereby required to take such report into consideration, and to allow and confirm, or disallow and set aside, or to vary and alter such report, and the several regulations, acts, matters, and things, therein mentioned, or any part or parts thereof, in such manner as they shall think proper, any thing in this act to the contrary hereof notwithstanding: provided, that nothing herein contained shall extend, or be construed to extend, to the appointment of any additional inspectors, or to any regulation, act, matter, or thing, to be made by such members of the said committee as shall be appointed for any of the said counties respectively, or the said *Ile of Ely*, or the majority of them, in respect to the management of the private subscription fund within any such county, or the *Ile of Ely*, as herein-after mentioned.

XXVIII. *And whereas some persons who are not manufacturers of combing wool, worsted yarn, and goods made from worsted, may have already subscribed, or may hereafter subscribe money for encouraging the said manufacture within their respective counties, or within the said Ile of Ely, be it therefore enacted, That all money which hath been or shall hereafter be subscribed by any person or persons, not being a manufacturer or manufacturers as aforesaid, for or towards encouraging the said manufacture within any of the said counties, or the said Ile of Ely, shall be paid to such person as shall be appointed to receive the same, by such of the members of the said committee as shall be appointed for, or reside within such county, or the said Ile of Ely; and it shall be lawful for such members of the said committee, so acting for, or residing within such county, or the Ile of Ely, and they*

point additional inspectors, and make regulations.

Application of money subscribed by persons not being manufacturers.

they are hereby authorized and impowered to apply and dispose of such money in paying and making proper salaries or allowances to any additional inspectors whom they may think fit to appoint as aforesaid, for such county, or the Isle of Ely, and so encouraging the said manufacture within such county, or the said Isle of Ely, in such manner as they shall, from time to time, think proper, and to or for no other use or purpose whatsoever; any thing herein-before contained to the contrary hereof notwithstanding.

Justices for
Southern
division of
Lindsey to act
for Lincoln-
shire.

XXIX. And whereas the county of Lincoln consists of three several parts or divisions; (viz.) Lindsey, Holland, and Kesteven, be it therefore enacted, That the several powers vested in and by this act in the justices of the peace for the respective counties included in this act, shall be continued and taken, as to the said county of Lincoln, and the city and county of the city of Lincoln, to be vested in the justices of the peace for the southern division of the parts of Lindsey, within the said county.

XXX. And be it further enacted, That the justice or justices before whom any offender shall be convicted as aforesaid, shall cause the conviction to be made out in manner and form following; (that is to say),

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord A. B. is convicted before me [or us] _____ of his Majesty's justices of the peace for [specifying the offence, and the place where the same was committed; and also specifying that it was the first, second, or third offence, against this act, as the case shall be].

Given under my hand and seal, [or our hands and seals], the _____ day and year aforesaid.

Which conviction the said justice or justices shall cause to be fairly written on parchment, and returned to the next general quarter sessions of the peace for the county, city, liberty, division, town, or place, where such conviction shall be made, to be filed by the clerk of the peace, and remain and be kept amongst the records of such county, city, liberty, division, town, or place as aforesaid.

Persons aggrieved may appeal to the quarter sessions.

XXXI. And be it further enacted, That if any person or persons shall find him, her, or themselves aggrieved by any order or warrant made by any justice or justices of the peace, or upon any conviction before him or them, in pursuance of this act, such person or persons may appeal to the next general quarter sessions to be held for the county, division, city, liberty, town, or place, where the offence shall be committed, which shall not be held within fourteen days after the cause of appeal shall arise, giving ten days notice of such appeal to the person or persons discovering the offence on which the conviction was made; and if the justices at the said quarter sessions either confirm or disannul

annul the order or proceedings of the said justice or justices, they shall allow such costs and charges to the party aggrieved thereby as they shall think reasonable, to be levied and paid in such manner as is usual in cases of appeal from any order of the justices of the peace to the sessions, whose order therein shall be final.

XXXII. Provided nevertheless, That the person or persons appealing to such quarter sessions of the peace as aforesaid shall give security, to the satisfaction of the said justice or justices, to prosecute such appeal with effect, and to pay the costs which shall be ascertained by the said quarter sessions, in case such order or judgement be affirmed; and the justices in the said quarter sessions are hereby authorised to hear and determine such appeal, and to make such order therein, and to award such costs, as to them shall appear just; which order shall be final and conclusive to all parties, and shall not be removed or removeable, by any writ of *certiorari*, or otherwise, into any of his Majesty's courts of record at *Westminster*, or elsewhere. Persons appealing to give security to prosecute. Orders to be final.

XXXIII. Provided nevertheless, and be it further enacted, That no order or other proceedings so made or had by or before any justice or justices of the peace, in relation to the premises, shall be quashed or vacated for want of form only. Proviso.

XXXIV. And be it further enacted, That if any suit or action shall be commenced or prosecuted against any person or persons, for any thing done in pursuance of this act, every such suit or action shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be severally laid, brought, and tried in the county or place wherein the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such suit or action shall and may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by the authority of this act: and if it shall appear to be so done, or if any such suit or action shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after the defendant or defendants shall have appeared, or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in other cases at law. Limitation of actions. General issue. Treble costs.

XXXV. And be it further enacted, That the city and county of the city of *Lincoln* shall, for the purposes of this act only, be deemed and taken to be part of the county of *Lincoln*, and to be within the parts of *Lindsey*, in the said county. City of Lincoln to be deemed part of the county.

XXXVI. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially

Anno vicelimo quinto GEORGE III. c. 71. *judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the time.*

C A XLI.

An act to repeal part of an act, passed in the sixth year of his present Majesty, "for the relief and employment of the poor of the parish of Richmond, in the county of Surrey, and other purposes in the said act mentioned;" and for making new provisions for the relief and employment of the poor, for the repairs of the highways, the paving, cleansing, lighting, and watching the streets, and other places, in the town and parish of Richmond aforesaid; for the removal and prevention of annoyances, obstructions, and encroachments therein; for inclosing certain commons or waste lands within the said parish, for the use of the poor; and to enable the vestrymen of the said parish to erect a workhouse thereon; and to purchase land for a burial ground; and also to enable his Majesty to shut up a lane within the said parish, called Love Lane.

Act 6 Geo. 3. c. 71. recited; so much thereof as relates to the relief and employment of the poor, the repairing the highways, paving, cleansing, lighting, and watching the streets, and other places, in the town and parish of Richmond, and also so much thereof, as provides for the removal and prevention of annoyances, obstructions, and encroachments therein, is repealed. Thirty-one vestrymen appointed, together with the minister and churchwardens, and such acting justices as shall reside in the parish of Richmond. Vestrymen to meet for the purpose of putting the act in execution, and to bear their own expences, on notice by five vestrymen. Inhabitants impowered to meet and elect other vestrymen, in case of death, or removal. Vestrymen to occupy 20l. per annum. Electors, for six months before, to occupy an house charged to the poor at 22l. per ann. and to pay all arrears before voting. Persons having acted under the act of 6 Geo. 3. to render to the vestrymen a just account of all monies received, and to pay the same to them, and to deliver books, papers, and writings, upon pain of imprisonment, till composition made with eleven vestrymen. Vestrymen impowered to make laws; to be confirmed afterwards at a meeting of thirteen or more, to take an oath of office to act impartially, to be administered by five or more vestrymen. Penalty upon vestrymen providing goods, &c. or being concerned in any contract under this act, 50l. a moiety to the informer, the other to the poor. Persons selling spirituous liquors by retail, not to be vestrymen. Vestrymen to contract with persons (for repairing, etc.) who are most capable of executing their contracts, without the aid of sub-contractors. Proceedings of the vestrymen to be entered in proper books. No business to be done but at a publick meeting. Five vestrymen sufficient to constitute a meeting. Vestry to meet annually, to appoint a vestry-clerk and the officers of the parish. Churchwardens to pay all money they shall receive to the treasurer. Sidesmen to be elected annually. Sidesmen not to be vestrymen in right of their office. Vestrymen to elect proper persons to be overseers. Overseers refusing to act, others to be appointed. Fine for refusal to serve, when chosen as overseer, 10l. Vestrymen to appoint a surveyor of the highways, and to give directions for repairing the highways, and other places. If the surveyor should die, or neglect his duty, another to be appointed. Proper persons to be chosen to collect the rates. Allowance to collectors 3d. in the pound. Collectors to give security, and to deliver in their accounts when required; and in case of failure, may be imprisoned, etc. until the balance paid. A treasurer to be chosen annually, and to give security. Pound rates to be made for the relief of the poor, and for repairing the highways, etc. Poor's rate so much as thirteen vestrymen shall judge necessary. Highway rate not to exceed 1s. 6d. in the pound. Rates to be paid quarterly, sums assessed to be entered in books. Landlords of ready furnished houses, to pay the

the rates of such houses. Vestrymen to sign the poor rates, and the same to be allowed by justices. Vestrymen may compound with the occupiers or owners of houses under 10*l.* per annum. A justice may act in his office, although a vestryman, and inhabitants may be witnesses. Rates to be recovered by distress and sale of goods and chattels. Vestrymen to appoint what number of watchmen they think fit, and in case of death, or misbehaviour, to engage others. The watchmen are empowered to apprehend all malefactors and disorderly persons, and to deliver them to the constables. &c. Vestrymen to regulate the number of lamps, and contract for lighting them. Persons breaking lamps to be fined 4*s.* and to be imprisoned till paid. Vestrymen to contract for repairing and cleansing the streets, &c. and may bring actions against contractors, not fulfilling their contracts, and recover penalties. No ashes, dirt, &c. to be thrown before any dwelling house, or in any public place. For, who suffer their swine to go at large, or create nuisances, to forfeit 4*s.* Owners of waterworks taking up the pavement, to repair the same, and on neglect thereof, the vestrymen to do such repairs, and recover the expenses by distress. Expenses of watching, lighting, &c. to be paid out of the rate. The present workhouse out of repair, and the lease thereof near expiring. Vestrymen empowered to erect and build a workhouse upon part of the commons to be enclosed by virtue of this act. Vestrymen empowered to purchase a build ground within the parish. Fourteen days notice of meeting for contracts to be given, by advertisement, &c. Property of goods, &c. for the use of the poor in the workhouse, vested in the vestrymen, who are authorized to prosecute all persons who shall embezzle any of the said goods, etc. Indictments and actions to be laid and brought in the name of the treasurer. Vestrymen empowered to borrow money, if requisite, not exceeding 100*l.* Money borrowed, to be paid off, but not more than 50*l.* at a time, out of the rates. Bonds to be discharged by 10*l.* Securities for money to be entered in a book; and may be assigned. Securities for money already borrowed not to be altered or impeached. Vagrants and persons neglecting or deserting their families, etc. to be apprehended and sent to the workhouse, and to be set to labour therein, and their earnings to defray the expenses, for support of their families. Vagrants to be sent to the workhouse, and kept to labour. Offenders may be punished by abstinence, and close confinement. Officers employed by the vestry, who shall purloin, etc. to be discharged, and also to forfeit treble the value of the goods embezzled, to be levied by distress and sale of goods; and for want thereof, may be imprisoned for three, and not less than one month. Vestrymen to cause the poor in the workhouse to be maintained and employed. Money arising from work done there, to be applied in aid of the poor's rate. Persons refusing to work, misbehaving, and not acting consistent with the rules of the house, shall be punished, by abstinence and confinement, at the discretion of the vestrymen, etc. Encouragement for those deserving of the same. Overseers and constables to aid and assist the vestrymen, and obey their warrants, etc. and on neglect or refusal, penalty 5*l.* to be levied by distress. May appeal to the quarter sessions. Casual poor to be relieved by a person appointed by the vestry. State and circumstances of casual poor, so relieved, to be laid before the vestrymen, at the next general meeting. Churchwardens, sidersmen, and overseers, to be restrained from relieving the casual poor. Churchwardens and sidersmen to visit the workhouse, and report the state thereof to the vestry. Forfeitures and penalties to be paid to the treasurer, and applied to the purposes of this act. Penalties and forfeitures to be recovered by distress or imprisonment, etc. as above. How justices to proceed for conviction of offenders. Form of conviction. Two common places of waste ground, called the *Peckhouse Common*, and the *Milk Common*. Their Majesties willing to grant, and the persons having a right of common desirous to inclose the commons. Their Majesties, by writing under their hands, enabled to grant the commons to the vestry. Vestry enabled to inclose the commons. No building to

be erected on the hill common. Grant of the commons to be entered on the court rolls. Poor of the parih of Kew to be received into the workhoufe to be built at Richmond. Kew poor to be ufed like Richmond poor. Minifter, &c. of Kew, have power to examine the ftate of their poor received into the workhoufe. His Majefty enabled to shut up Love Lane, from the freehold land of George Rofs, efquire, at the fouth end of the faid lane, to the highway leading from Kew-green to the river fide. Perfons aggrieved may appeal to the quarter feflions. Order of feflions to be final. Juftices upon appeals may grant relief. Actions commenced in the name of the treafurer fhall not abate in cafe of death, &c. Informers to be paid, at the difcretion of the veftrymen. Proceedings not to be quafhed for want of form, nor removed by certiorari. Diftreffes not to be deemed illegal for want of form, &c. Plaintiff fhall not recover after notice, or after tender of amends. Limitation of actions not till ten days after tender of amends, and within two calendar months. General iffue may be pleaded, and the defendant fhall have treble cofts if he recover, and to be a publick aft.

C A P. XLII.

An aft for vefting in Archibald earl of Dundonald, his executors, administrators, and affigns, the fole ufe and property of a method of extracting or making tar, pitch, effential oils, volatile alkali, mineral acids, falts, and cinders, from pit coal, throughout his Majefty's dominions, for a limited time.

Preamble.

His Majefty's letters patent granted to the earl of Dundonald.

WHEREAS his moft excellent majefty King George the Third, by his letters patent under the great feal of Great Britain, bearing date at Weftminfter, the thirtieth day of April, in the twenty-firft year of his reign, did give and grant unto Archibald earl of Dundonald, his executors, administrators, and affigns, his fpecial licence, fole power, privilege, and authority, of making, uying, exercifing, and vending, within that part of his Majefty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, his invention of a method of extracting or making tar, pitch, effential oils, volatile alkali, mineral acids, falts, and cinders, from pit coal, for the term of fourteen years, with a provifo, obliging the faid Archibald earl of Dundonald, by writing under his hand and feal, to caufe a particular description of the nature of the faid invention to be inrolled in his Majefty's high court of chancery within four months after the date of the faid recited letters patent: and whereas the faid Archibald earl of Dundonald did, in purfuance of the faid provifo, caufe a particular description of the faid invention to be inrolled in the high court of chancery upon the twentieth day of Auguft, in the year one thoufand feven hundred and eighty-one; which description is in the words and form, and to the effect following; that is to fay: The method I have invented for the extracting of tar, pitch, effential oils, volatile alkalies, mineral acids, and falts, and the making of cinders, from pit coal, confifts in admitting the external air to have a paffage or paffages through the veffels or buildings in which the coal, from which any of the above fubftances are to be diftilled, is put, whether by itfelf, or along with lime ftone, flints, iron ore, bricks, or any other fubftance, by which means the faid coals, after being kindled, are enabled,

Specification of the method of extracting tar, pitch, etc. from pit coal.

by their own heat, and without the assistance of any other fire, to throw off, in distillation or vapour, the tar, oil, alkalies, acids, and salts they contain, into receivers or condensing vessels, communicating with the vessels or buildings containing the coals, and at the same time of roasting, calcining, or burning any substances that may be mixed with them; it appears to me necessary, lest others encroach on my patent, to describe, as above, the principal upon which I act, in as few words as possible, and in such a manner as will admit of no ambiguity: therefore, according to what is above set forth and declared, persons who shall extract tar, *etcetera*, from pit coals in vessels or buildings, (it matters not their shape or size,) whereby the coals are made to burn or ignite, without flaming, by a regulated admission of the external air through different apertures in the buildings, so as by their own heat to throw off the tar, oils, *etcetera*, that they may contain; persons who do so, without my permission, are deemed to encroach upon my patent; as the only method used or known until my new discovery, was a distillation of coal in close vessels, where the admission of the external air was prevented; and whether other fuel or coals were required besides the coals contained in the close vessel to produce the heat necessary to pervade the same, and to cause the coals contained therein to throw off the tar, oils, *etcetera*, that they contained. I do not think it any ways of moment to subjoin any drawings of the buildings or kilns that may be used according to my new invention for the making of tar, *etcetera*, because these buildings may be made either square, circular, or oval, as fancy may direct, the art depending upon the management of the air admitted into the kilns, which can only be acquired by experience; and as it is by no means meant to keep the manufacture hid or concealed, those who want to see the practical part will have an opportunity so to do at the different places where the manufacture is to be carried on. Exclusive of the above invention, for which only the patent has been obtained, I promote the condensation of the less coercible part of the vapour that comes off in distillation, by commixing it with the steam of boiling water, and complete the condensation by the means of cold water, either in contact with the vapour, or applied externally to the vessels through which it passes; and by an admission of the external air into the condensing vessels when needful, I also cause the vapour to pass through more condensing vessels than one, to separate by that means the different oils and substances, according to the different degrees of cold and moisture requisite to condense them; or occasionally I follow the usual and common modes in practice for condensing the vapours thrown off from any substances by the action of heat: *And whereas his said most excellent Majesty, by his other letters patent under the seal appointed by the treaty of union to be kept and used in Scotland, in place of the great seal formerly used there, bearing date the twenty-seventh day of February, in the said twenty-first year of his reign, did grant the like licence, power,*

His Majesty's letters patent for Scotland granted to the earl of Dun-
donald.

Earl of Dundonald been at great expence, and cannot carry on the works without aſſiſtance.

privilege, and authority, to the ſaid Archibald earl of Dundonald, of making, uſing, exerciſing, and vending his ſaid invention within that part of his Maſteſty's kingdom of Great Britain called Scotland, for the like term of fourteen years, with a proviſo, obliging him, by writing under his hand and ſeal, to cauſe a particular deſcription of the nature of the ſaid invention to be inrolled in his Maſteſty's chancery in Scotland, within four months after the date of the ſaid recited letters patent; in purſuance of which proviſo the ſaid Archibald earl of Dundonald did cauſe ſuch deſcription to be inrolled in the ſaid chancery of Scotland upon the twenty-fixth day of June, in the ſaid year one thouſand ſeven hundred and eighty-one, in the ſame words and form, and to the ſame effect, as that hereinabove mentioned, as recited in the high court of chancery of England: and whereas, in the opinion of competent judges who have attended to the ſaid Archibald earl of Dundonald's method, and examined and uſed the tar, pitch, and other extractions, the invention will be attended with the moſt beneficial conſequences to the publick, the proceſs being ſimple and eaſy, and the tar and pitch of a better quality for certain uſes than what is generally made in foreign countries, and particularly uſeful in preſerving ſhips bottoms from worms: and whereas the ſaid Archibald earl of Dundonald ſpent much of his time, and was at a great expence in bringing his ſaid invention to perfection before applying for the patents; and after he had procured them, his circumſtances not permitting him to carry on the neceſſary works without the aid of others, the connections he formed with that view turned out unfortunately; ſo that hitherto, and when upwards of four years of the term are elapſed, he has reaped no benefit, but on the contrary, his paternal eſtate is involved in debt; and he is under engagement, by taking leaſes of coal mines and otherwiſe, which muſt be ruinous, unleſs the ſcheme is projected with vigour by a large advance of money: and whereas the remainder of the ſhort term of excluſive privilege, granted by the ſaid recited patents, does not afford ſufficient encouragement to people otherwiſe willing to ſupport the ſaid Archibald earl of Dundonald; and unleſs he is ſupported, the publick muſt be deprived of the benefit of the invention, while the privilege remains with him: to the end, therefore, That the ſaid Archibald earl of Dundonald may be enabled and encouraged to proſecute and complete his ſaid invention, and his property therein ſecured, not only within Great Britain, but in his Maſteſty's colonies and plantations in North America, ſo that the publick may reap all the advantages to be derived therefrom in their full eſt extent, and the ſaid Archibald earl of Dundonald may obtain an adequate recompence for his labour, time and expence; may it pleaſe your moſt excellent Maſteſty (at the humble petition and requeſt of the ſaid Archibald earl of Dundonald) that it may be enacted, and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of June, one thouſand ſeven hundred and eighty-five, the ſole privilege and advantage of making and extracting tar, pitch, eſſential oils, volatile alkali, mineral

privilege
ing tar,
etc.
pit coal,

mineral acids, salts, and cinders, from pit coal, by the method herein-before particularly set forth and described, and of vending the same within the kingdom of *Great Britain*, and his Majesty's colonies and plantations in *North America*, shall be, and are hereby declared to be, vested in the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, for and during the term of twenty years; and that he the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall at any time agree with, and for no others, from time to time, and at all times, during the term of years herein-before mentioned, shall, and lawfully may, make or extract tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, by the method herein-before described, and vend the same within the kingdom of *Great Britain*, and in his Majesty's colonies and plantations in *North America*, in such manner as to him the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall in their discretions seem meet; and that the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, shall, and lawfully may, have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising, by reason of his said invention, for the said term of twenty years, to have, hold, receive, and enjoy the same for and during, and to the full end and term of twenty years, as aforesaid; and that no other person or persons within the kingdom of *Great Britain*, or any of his Majesty's colonies or plantations in *North America*, shall, at any time during the said term of twenty years, either directly or indirectly, do, make, use, or put in practice the said invention, or any part of the same, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any addition thereunto, or subtraction from the same; whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the licence, consent, or agreement of the said *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, in writing under his or their hand and seal, or hands and seals, first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted upon such offenders, for their contempt of this act; and further, to be answerable to the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned.

II. Provided always, and be it hereby declared, That nothing in this act contained shall extend, or be construed to extend, to prejudice or hinder any person or persons from making or extracting tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, by any method which is not the invention of the said *Archibald* earl of *Dundonald*, as aforesaid; and that no other person or persons within the kingdom of *Great Britain*, or any of his Majesty's colonies or plantations in *North America*, shall, at any time during the said term of twenty years, either directly or indirectly, do, make, use, or put in practice the said invention, or any part of the same, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any addition thereunto, or subtraction from the same; whereby to pretend himself or themselves the inventor or inventors, deviser or devisors thereof, without the licence, consent, or agreement of the said *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, in writing under his or their hand and seal, or hands and seals, first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted upon such offenders, for their contempt of this act; and further, to be answerable to the said *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned.

Act not to extend to hinder any person from making tar, pitch, etc. which is not said;

the invention
of the earl of
Dundonald.

ſaid; or which has been publickly uſed or exerciſed by any other perſon or perſons, before the time of the date of the ſaid letters patent herein recited; but that all ſuch methods which are not at preſent of the ſaid invention of the ſaid *Archibald* earl of *Dundonald*, or are not particularly ſpecified in this act, ſhall be and remain to the publick, and to the reſpective inventors thereof, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

Proviſo.

III. Provided alſo, That every objection in law, competent againſt the ſaid patents, ſhall be competent againſt this act, to all intents and purpoſes, except ſo far as relates to the term hereby granted.

The privileges
granted by
this act not
to be trans-
ferred to more
than five per-
ſons.

IV. Provided always, That if the ſaid *Archibald* earl of *Dundonald*, his executors, adminiſtrators, or ſigns, or any perſon or perſons who ſhall, at any time during the ſaid term of twenty years, have or claim any right, title, or intereſt in law or equity, of, in, or to the power, privilege, or ſummon of the ſole uſe and benefit of the ſaid invention, ſhall make any transfer or aſſignment, or pretended transfer or aſſignment, of the ſaid liberty or privilege hereby granted, or any ſhare or ſhares of the benefit or profits thereof; or ſhall declare any truſt thereof to or for any number of perſons exceeding the number of five, or ſhall open, or cauſe to be opened, any book or books for publick ſubſcriptions, to be made by any number of perſons exceeding the number of five, in order to the raiſing any ſum or ſums of money, under pretence of carrying on the ſaid liberty or privilege hereby granted; or ſhall by him or themſelves, or his or their agents or ſervants, receive any ſum or ſums of money whatſoever, of any number of perſons exceeding in the whole the number of five, for ſuch or the like intents or purpoſes; or ſhall preſume to act as a corporate body; or ſhall divide the benefit of the liberty or privileges hereby granted, into any number of ſhares exceeding the number of five; or ſhall commit or do, or procure to be committed or done, any act, matter, or thing whatſoever, during ſuch time as ſuch perſon or perſons ſhall have any right, or title, either in law or equity, which ſhall be contrary to the true intent and meaning of an act of parliament made in the ſixth year of the reign of his late
6 Geo. 1. c. 18. majesty King George the Firſt, (intituled, *An act for the better ſecuring certain powers and privileges intended to be granted by his Majeſty, by two charters, for aſſurance of ſhips and merchandizes at ſea, and for lending money upon bottomry; and for reſtraining ſeveral extravagant and unwarrantable practices therein mentioned*); or in caſe the ſaid power, privilege, or authority, ſhall at any time become veſted in, or in truſt for more than the number of five perſons, or their representatives, at any one time, otherwiſe than by deviſe or ſucceſſion, (reckoning executors and adminiſtrators as and for the ſingle perſon whom they repreſent, as to ſuch intereſt they are or ſhall be intitled to in right of ſuch their teſtator or teſtate); that then, and in every of the ſaid caſes, all liberties and advantages whatſoever, hereby granted ſhall utterly

utterly cease, determine, and become void; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

V. And be it further enacted by the authority aforesaid, That Publick act: this act shall be adjudged, deemed, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. XLIII.

An act to repeal the duties on male servants; and for granting new duties on male and female servants.

Y H E R E A S by an act, made in the seventeenth year of the Preamble.
 reign of his present Majesty, intituled, An act for granting 17 Geo. 3.
 to his Majesty a duty upon all servants retained or employed c. 39.
 in the several capacities therein mentioned; and for repealing
 several rates and duties upon glass, imposed by an act made in
 the nineteenth year of the reign of his late Majesty, and for
 granting to his Majesty other rates and duties upon glass in
 lieu thereof, and for the better collecting the duties upon glass;
 and for repealing the several rates and duties charged, by an
 act made in the twenty-ninth year of the reign of his said late
 Majesty, upon all persons and bodies politick and corporate
 having certain quantities of silver plate; it was enacted, That
 from and after the fifth day of July, one thousand seven hundred and
 seventy-seven, there shall be paid unto his Majesty, his heirs and suc-
 cessors, after the rate of twenty-one shillings per annum for every
 male servant within Great Britain, who should then have been, or
 who should afterwards be retained or employed in the several ca-
 pacities therein described and enumerated; such yearly sum to be charged
 on the master or mistress of every such male servant in manner there-
 in mentioned; and the said duty on male servants was put under the
 receipt and management of the commissioners for the affairs of taxes:
 and whereas, in the nineteenth year of his Majesty's reign, another
 act was made, for amending the said act: and whereas by another act,
 made in the twenty-first year of his Majesty's reign, intituled, An 21 Geo. 3.
 act for the better management and collection of the duties upon c. 31.
 male servants, granted by an act made in the seventeenth year of
 the reign of his present Majesty, the receipt and management of
 the said duties upon male servants were transferred from the com-
 missioners of the duties on houses, windows, and lights, to the com-
 missioners of excise for England and Scotland respectively; and fur-
 ther provisions were made for better securing the said duties on male
 servants: and whereas, by virtue of an act made in the twenty-se-
 cond year of his Majesty's reign, for granting additional duties on 22 Geo. 3.
 the produce of the several duties under the management of the c. 66.
 commissioners of customs and excise, an additional duty of five
 pounds per centum became charged upon the said duty on male ser-
 vants, and has been ever since collected: now, we, your Majesty's most
 dutiful

dutiful and loyal ſubjects, the commons of Great Britain, in parliament aſſembled, thinking it expedient to repeal the ſaid duties on male ſervants, mentioned in the ſaid ſeveral recited acts reſpectively, and to grant unto your Majeſty the ſeveral new duties herein-after mentioned upon male and female ſervants, as well for the purpoſes for which the ſaid recited duties on male ſervants were made applicable, as towards raiſing the ſupplies which we have freely granted to your Majeſty in this ſeſſion of parliament, do therefore moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of July, one thouſand ſeven hundred and eighty-five, the duties on male ſervants, granted by the ſaid recited acts, or any of them, ſhall ceaſe, determine, and be no longer paid or payable.

Duties on ſervants, granted by the recited acts, repealed. Not to affect the recovery of arrears.

II. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued to affect the recovery of arrears of the ſaid repealed duties, which, on the ſaid fifth day of July, one thouſand ſeven hundred and eighty-five, may remain unpaid, or the recovery of any penalty or forfeiture which may have been incurred on or before the ſame day.

From July 5, 1785, the following duties to be paid for male ſervants.

III. And be it further enacted and declared, That, from and after the fifth day of July one thouſand ſeven hundred and eighty five, there ſhall be paid unto his Majeſty, his heirs and ſucceſſors, throughout the kingdom of *Great Britain*, by every perſon who ſhall retain or employ any male ſervant or ſervants, the ſeveral yearly ſums following; that is to ſay,

For one or two. 1l. 5s. each:

For one male ſervant, the ſum of one pound and five ſhillings:

for three or four 1l. 10s. each:

For two male ſervants, and not more, the ſum of one pound and five ſhillings each:

five to ſeven, 1l. 15s. each: eight to ten, 2l. each:

For three, and not more than four male ſervants, the ſum of one pound and ten ſhillings each:

For five, and not more than ſeven male ſervants, the ſum of one pound and fifteen ſhillings each:

For eight, and not more than ten male ſervants, the ſum of two pounds each:

for eleven and upwards, 3l. each.

And for eleven male ſervants, and upwards, the ſum of three pounds each:

An additional 1l. 5s. for every male ſervant retained by unmarried men above 21 years, of age.

And every male perſon, of the age of twenty-one years and upwards, never having been married, who ſhall retain or employ any male ſervant or ſervants, ſhall pay the annual ſum of one pound and five ſhillings for each male ſervant, over and above the duties herein-before mentioned.

IV. And, in order to aſcertain what deſcription of male ſervants ſhall be within the duties herein-before granted, be it further enacted, That the ſaid duties granted by this act ſhall extend to, and be payable for, every male ſervant who ſhall be retained or employed

operation for

employed in any of the following capacities; that is to say, whom the maitre d'hotel, house-steward, master of the horse, groom of the chamber, valet de chambre, butler, under-butler, clerk of the kitchen, confectioner, cook, house-porter, footman, running footman, coachman, groom, postillion, stable-boy, and the respective helpers in the stables of such coachman, groom, or postillion, gardener not being a day labourer, park-keeper, game-keeper, huntsman or whipper-in, waiters in taverns, coffee-houses, inns, ale-houses, or any other houses licensed to sell wine, ale, or other liquors by retail (other than occasional waiters), or by whatsoever name or names, male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been, or shall be retained or employed in one or more of the said capacities, or in any other business jointly with one or more of the same.

V. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall also be paid unto his Majesty, his heirs and successors, throughout the kingdom of *Great Britain*, by every person who shall retain or employ any female servant or servants, the rates and duties following; that is to say,

Duties to be paid for female servants:

Every person who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence:

For one, 2s. 6d.:

Every person who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of each: five shillings:

Every person who shall retain or employ three or more male servants, shall, for each of them, pay annually the sum of each: ten shillings:

for three, or more, 10s. each:

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence, over and above the duty for one female servant herein-before mentioned:

and male persons unmarried, above 21 years of age, to pay an additional 2s. 6d. for one servant;

And every male person of the age of twenty-one years and upwards, never having been married, who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of five shillings, over and above the duty of five shillings each for two female servants, herein-before mentioned:

5s. each, for two servants;

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ three or more female servants, shall, for each of them, pay annually the sum of ten shillings, over and above the duty of ten shillings each for three or more female servants, herein-before mentioned.

and 10s. each, for three or more servants,

VI. Provided always, and be it further enacted, That the duties

Not to extend
to servants
employed in
husbandry,
&c.

duties granted by this act shall not extend to any male or female servant who shall be retained or employed *bona fide* for the purposes of husbandry, farmers, dairy, or manufacture, or of any trade or calling (other than waiters, as aforesaid) by which the master or mistress of such servant shall earn a livelihood or profit.

Duties for
coachmen,
grooms, etc.
let out to hire,
by whom to
be paid.

VII. Provided also, and be it further enacted, That the duty hereby granted for every coachman, groom, postillion, or helper, let out to hire by way of jobb, shall be paid by the master or mistress, for whose use and in whose service such coachman, groom, postillion, or helper, shall be employed respectively; and the duty hereby granted for every gardener, retained or employed by any person or persons who shall contract for the keeping of any garden or gardens, shall be paid by the person or persons for whose use and in whose garden such gardener shall be employed.

Duties to be
paid for ap-
prentices em-
ployed in any
of the capa-
cities before
mentioned.

VIII. Provided also, and be it further enacted, That nothing in this act contained shall extend to exempt any person or persons from the payment of any of the duties granted by this act, in respect of any servant retained or employed in any of the capacities aforesaid, on account or under pretence that such servant is or shall be bound as an apprentice to such person or persons; save and except such apprentices as are or shall be imposed upon any master or mistress, under and by virtue of the powers given to magistrates and parish officers by any act of parliament, so as the number of such apprentices, so imposed upon any master or mistress, does not exceed two: provided always, That nothing herein contained shall extend to exempt any such apprentice or apprentices who is or are employed as livery servants.

Exception.

Not to extend
to butlers, etc.
in the univer-
sities;

IX. Provided also, and be it further enacted, That this act, or any thing herein contained, shall not extend to charge with any of the duties hereby granted, the butler or butlers, manciple, cook or cooks, gardener or gardeners, or porter or porters, of any college or hall within either of the universities of *Oxford* or *Cambridge*, or the universities of *Edinburgh*, *Glasgow*, *Aberdeen*, or *Saint Andrew's*, in *Scotland*, or of the several colleges of *Westminster*, *Eaton*, or *Winchester*; or the servants of his Majesty, or any of the royal family; or of any ambassador or foreign minister residing in the kingdom of *Great Britain*.

nor to the ser-
vants of the
royal family;

nor the royal
hospitals, etc.

X. Provided also, and be it further enacted, That nothing herein contained shall extend to charge with any of the duties hereby granted, any of the royal hospitals of *Christ*, *Saint Bartholomew*, *Bridewell*, *Bethlem*, *Saint Thomas*, in the city of *London*, and borough of *Southwark*, or *Guy's*, or the *Foundling* hospital.

One servant
of any officer
under the
rank of a
field officer,
etc. not liable
to the duties.

XI. And be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duty hereby imposed, any officer serving in any regiment of horse or dragoons, under the rank, or not receiving the pay of a field officer, provided he retains no more than one servant; nor any officer serving in any regiment of artillery, infantry,

infantry, or marines, or corps of engineers, for any servant who is actually a soldier in the regiment or company to which such officer shall belong; nor any officer in his Majesty's navy, under the rank of a master and commander in actual employ, for any servant who is borne upon the books of the ship to which such officer shall belong.

XII. And be it further enacted, That in all cases where any officer on half pay from his Majesty's navy, army, or marines, who have been disabled by loss of a limb, or wound received in his Majesty's service, shall be charged for the duty on male servants for one male servant only, under the authority of this act, it shall and may be lawful for the acting commissioners for any district in *England*, or the commissioners of supply in *Scotland*, on an appeal made to them by such officer, and proof on oath made that he is an officer on half pay, and disabled as aforesaid, to the satisfaction of the said commissioners, to make an abatement of the whole duty from the charge against such officer.

Officers disabled in his Majesty's service, and on half pay, not liable to the duties for one servant.

XIII. Provided always, and be it enacted, That every person who shall have living in their houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by this act imposed for one female servant; that is to say, if any person, having two such lawful children or grand children, shall have one female servant, and not more, he or she shall be wholly exempted from the duty hereby imposed; if any person, having four such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more; and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner herein-before provided, for every two such children or grand children.

Clause in favour of persons having young children or grand children.

XIV. Provided always, and be it enacted, That nothing in this act shall extend, or be construed to extend, to subject any master or mistress to the payment of any of the duties imposed by this act for any female servant who shall be retained by him or her, where it shall be made appear, by an extract from the register of the births kept in the parish, properly authenticated, where such servant was born, that at the time of making the assentment she shall be under the age of fourteen years, or above the age of sixty years.

Female servants above, or under, certain ages, not liable to the duties.

XV. And be it further enacted, That the duties charged by this act shall be assessed, raised, levied, collected, and received by such persons, and shall be paid into the receipt of his Majesty's exchequer, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses and

Duties to be collected by such persons, and paid into the exchequer under such penalties, &c. as are appointed for the duties

windows

execution, throughout the whole kingdom of *Great Britain*, for affeffing, raifing, levying, collecting, and paying the duties hereby placed under the management of the faid commissioners for the affairs of taxes, as fully and effectually, to all intents and purpofes, fo far as fuch provisions fhall be applicable to the faid duties hereby granted, and are not altered by this act.

XVI. And be it further enacted, That for affeffing, levying, collecting, and paying the duties charged by this act, the commissioners authorized or appointed, or who fhall be hereafter authorized or appointed, for putting in execution the faid acts relative to the duties on houfes, and windows or lights, fhall be commissioners for executing this prefent act, and the powers therein contained, in all and fingular the counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places refpectively, within *Great Britain*; and fuch commissioners, for the fpeedy execution of this act, fhall, in the refpective counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or fhall be appointed commissioners, meet for the firft time on or before the fifth day of *July*, one thoufand feven hundred and eighty-five, and afterwards fhall in like manner meet yearly, and every year, at fuch day or time as the faid commissioners for the time being fhall think proper to appoint, on or before the thirtieth day of *April*; and fhall then divide themfelves to act in feparate diftricts, and proceed in the execution of this prefent act, for affeffing, raifing, levying, and collecting the duties granted by this act, in fuch and the fame manner as is prefcribed by the faid acts relative to the faid duties on houfes, and windows or lights, or any of them, with refpect to the duties thereby impofed, except fo far as an alteration is made by this act.

Commissioners of the above-mentioned duties on houfes, &c. to put this act in execution.

First meeting, &c.

XVII. Provided always, and be it further enacted, That if, by any negligence or default, there fhall not have been a meeting of the faid commissioners for executing this act, within or at the times, or according to the manner hereby prefcribed, the faid commissioners, or any two or more of them, in the refpective counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* refpectively, wherein fuch default fhall have happened, may and fhall meet at any other time or times, as foon as may be after the time or times fo prefcribed, in order to execute the powers of this act, fo as that the faid duties charged by this act may be duly and effectually affeffed, raifed, levied, and paid to his Majefty, his heirs and fucceffors, notwithstanding any fuch default or defect as aforefaid.

Commissioners, on default of meeting on the day above-mentioned, may meet afterwards, etc.

XVIII. Provided alfo, and be it further enacted, That no perfon fhall prefume to act as a commissioner in the execution of this act, (except in adminiftering the oath herein-after expreffed) until he fhall have taken the feveral oaths requifite to qualify him for acting as a commissioner of the feveral duties charged on houfes, and windows or lights, by any of the acts herein-

Oaths to be taken by commissioners.

herein-before referred to, and alſo ſhall have taken the following oath; that is to ſay,

New oath.

I A. B. do ſwear, That I will truly and faithfully execute the office of a commissioner, according to an act made in the twenty-fifth year of King George the Third, to repeal the duties on male ſervants; and for granting new duties on male and female ſervants; and that I will determine upon all appeals which ſhall be brought before me, under the ſaid act, according to the beſt of my ſkill and knowledge.

So help me GOD.

Penalty on acting before taking the oaths.

Which oath any two or more of the commissioners in the county, ſhire, ſtewartry, city, or place, where the aſſeſſment is to be made, are hereby authoriſed to adminiſter; and if any perſon ſhall act as a commissioner for the execution of this act, except as aforeſaid, before he ſhall have taken ſuch oaths as aforeſaid, he ſhall, for every offence, forfeit the ſum of one hundred pounds.

The firſt aſſeſſment for three quarters of a year.

XIX. And be it further enacted, That the firſt aſſeſſment of the duties charged by this act, ſhall be made for three quarters of a year, from the fifth day of July, one thouſand ſeven hundred and eighty-five; and afterwards the aſſeſſment of the duties charged by this act ſhall be made for one year, from the fifth day of April in every year.

Duties to be paid quarterly.

XX. And be it further enacted, That the ſaid duties charged by this act ſhall be paid at the times and in the proportions following, (that is to ſay), quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in every year, by equal portions; the firſt of the ſaid quarterly payments to be made on the tenth day of October, one thouſand ſeven hundred and eighty-five.

Clause relative to perſons who have paid the old duties in advance.

XXI. Provided always, and be it further enacted, That all perſons who, previously to the ſaid fifth day of July, one thouſand ſeven hundred and eighty-five, ſhall have already paid the ſaid repealed duties on male ſervants for any part of the ſaid three quarters for which the firſt aſſeſſment on male ſervants under this act is hereby directed to be made, or their reſpective executors or administrators, ſhall, after paying the ſaid firſt aſſeſſment, have a right to receive back from the commissioners of exciſe, or any officer or officers appointed by them, out of any money which ſhall have been paid into, or be in their hands, ſuch a proportion of the repealed duties on male ſervants, ſo already paid to the ſaid commissioners of exciſe or their officers, as ſhall be neceſſary to prevent a double payment of the ſaid duties, in reſpect of ſuch male ſervants, for the ſaid three quarters on the ſaid firſt aſſeſſment, or for any part thereof; for which purpoſe the ſaid commissioners of exciſe are hereby required to make ſuch orders, in reſpect to the time and manner of ſuch repayment, as to them ſhall appear beſt calculated

acted to effectuate the intention of this act, and to prevent a charge of double duties for male servants on any person: provided always, That no person shall be intitled to receive back from the commissioners of excise, or their officers, under the provision aforesaid, any sum in respect of such repealed duties on male servants, for any portion of the said three quarters, less than a full quarter of a year.

XXII. And, for more effectually levying and collecting the said duties granted by this act, be it further enacted, That if there shall be a neglect of appointment of assessors of the said duties on houses, and windows or lights, or if the assessors appointed shall neglect what is required of them by this act, then, and in every such case, it shall be lawful to and for the surveyor or surveyors, or inspector or inspectors, appointed or to be appointed under the authority of the said acts, relative to the duties on houses, and windows or lights, or any of them, to do and perform such and the like services as, by the said acts or any of them, are required from such assessors.

If assessors neglect their duty, surveyors, &c. may perform the same.

XXIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorised to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form:

Oaths to be taken by assessors.

I A. B. *do swear*, [or *affirm*, as the case may require], *That in the assessorment which I am required to make by authority of an act made in the twenty-fifth year of King George the Third, to repeal the duties on male servants; and for charging new duties upon male and female servants; I will act according to the best of my skill and knowledge.*

New oath.

So help me G O D.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewartry, city, or place, where the assessorment is to be made, are hereby authorised and required to administer; and if any person so appointed, or to be appointed, or hereby authorised to act as assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath or affirmation, as the case shall be, he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Penalty on acting before taking the oath.

XXIV. And be it further enacted, That the said commissioners for executing this act shall, in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions, naming whom they shall think fit to be assessors under the said acts, relative to the said duties on houses, and windows or lights, or any

Notice to be given in the precepts of the appointment of assessors.

any of them, cause notice to be inserted, that such persons are also appointed assessors of the duties granted by this act.

Assessors to give notice in writing to masters, etc. to produce lists of their servants employed within their districts, etc.

XXV. And be it further enacted, That such persons to be appointed assessors as aforesaid, shall, within fourteen days after such their appointment yearly, give or leave notice in writing, to or for every person keeping any male or female servant liable to the duties granted by this act, within the limits of the places for which such assessors are so act. at his or her dwelling house, to prepare or produce, within fourteen days next ensuing the day of giving such notice, separate lists in writing of his or her male and female servants retained or employed within such limits, every such list to describe the christian name and surname of each servant, and the capacity in which each shall have been retained or employed, and to contain the greatest number of servants, male and female, which such person shall have retained or employed at any one time in the course of the year ending the fifth day of *April* preceding such notice; and every such person shall, after such notice to given or left, make out the said lists, and sign the same with his or her own name, and deliver the same, or cause the same to be delivered, to each assessor or assessors, who are hereby required and directed to call for the same: and if any such person shall neglect or refuse to make out, sign, and deliver such lists as aforesaid, within the time before-mentioned, then such assessor or assessors shall, from the best information he or they can obtain, make an assessment upon such person so neglecting or refusing, for and in respect of the number of male and female servants, liable to the duties granted by this act, to be kept by him or her; and every such assessment to be made upon any such neglect or refusal shall be final and conclusive upon the person thereby charged, who shall not be at liberty to appeal therefrom, unless such person shall prove that he or she was not at his or her dwelling house at the time of the delivery of such notice, nor between that day and the time limited for delivering such list as aforesaid to the assessor; or unless such person shall alledge and prove such other excuse for not having delivered his or her list, as the commissioners for executing this act shall in their judgement think reasonable and sufficient.

How assessor to proceed, in case master neglect to deliver such lists.

Lists to contain the greatest number of servants employed during the time to which they relate.

XXVI. Provided always, and be it further enacted, That the respective lists which shall be delivered, in the manner herein-before mentioned, by order of the said commissioners, on the first assessment to be made by virtue of this act, shall contain the greatest number of male and female servants as aforesaid, which the persons from whom such lists are herein-before required shall respectively have at any time kept between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five.

Commissioners, on application, to grant relief

XXVII. And, to the end that no person may pay for his or her servants in more parishes or districts than one within the same year, be it further enacted, That if any person, having been

been affefled under this act in one parifh or diftrict for his or her fervants within the fame, fhall be again affefled in another parifh or diftrict, for or in refpect of fuch fervants, or any of them; in every fuch cafe, the commiffioners for the execution of this act, within fuch latter parifh or diftrict, or the majority of the faid commiffioners prefent, at any application for the purpofe, may and are hereby required to alter any affefment of fuch perfon fo affefled twice, on proof given before them that fuch perfon has paid the faid duties, for or in refpect of fuch fervants, in another place, and in what place fpecifically, or hath been affefled for the fame; which proof fhall be made, as to the fact of payment, by producing a receipt figned by the collector to whom the fame payment fhall have been made, or, in default thereof, by other reasonable evidence to the fatisfaction of the faid commiffioners for the execution of this act, or the majority of them, before whom fuch evidence fhall be offered; and the aforefaid proof, as to the fact of the party having been affefled elfewhere, fhall be made in like manner, either by producing a copy or certificate of the affefment figned by two or more commiffioners of the diftrict for which fuch affefment fhall have been made, (which copy or certificate the clerk then attending the faid commiffioners fhall deliver gratis to the party requiring the fame), or, in default of fuch copy or certificate, then fuch proof fhall be made by other evidence, to the fatisfaction of the commiffioners prefent, or the majority of them.

to perfons who have been affefled in different places, the fame time fervants.

XXVIII. Provided always, and be it further enacted, That every perfon who fhall be called upon by virtue of this act to give fuch lifts as aforefaid, fhall, when he or fhe fhall give in fuch lifts, at the fame time make a declaration, figned by him or her, of the number of fervants refpectively he or fhe fhall mean to pay for at every other place, fpecifying the particular parifhes or parifh, or diftricts or diftrict, wherein he or fhe fhall mean to pay for fuch other fervants refpectively, fo as that every fuch lift or declaration fhall contain the whole number of fervants retained by fuch matter or miftrefs within the kingdom of Great Britain, in order to their being charged according to the feveral rates prefcribed by this act, in proportion to the greateft number retained in the whole; and the faid affeffors fhall enter the lift or declaration laft mentioned at the end of their feveral affefments, and deliver the faid lift or declaration to the furveyor for each parifh or diftrict, in order that he may tranfmit the particulars thereof to the commiffioners for managing the affairs of taxes.

Clauferel to perfons who give lifts of fervants in different parifhes.

XXIX. And be it further enacted, That fuch affeffors as aforefaid fhall not be bound by fuch lifts as fhall be delivered to them refpectively, in purfuance of this act; but fhall be at liberty, if they fhall find, upon due examination, that any fervant or fervants is or are omitted in fuch lifts, to furchage the fame, and make a true affefment upon every perfon keeping fuch fervants within their refpective diftricts, of the real num-

In cafe the lifts delivered to the affeffors fhall be too deficient, they may furcharge the fame.

her of servants retained or employed by each such person, distinguishing every such servant in manner herein-before directed.

Affessors to deliver their assessments to the commissioners, within 3 months after their appointment. Commissioners to sign the same, and appoint collectors, etc.

XXX. And be it further enacted, That such assessors as aforesaid shall, from time to time, make and deliver in writing their assessments of the said duties granted by this act, within the limits for which they are respectively to act as aforesaid, unto the said commissioners, for the execution of this act, or any two or more of them, within the space of three calendar months next after the time of their being appointed assessors; and the said commissioners, to whom such assessments shall be so delivered, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively, or as soon after as conveniently may be, set their hands to the said respective assessments, and to such surcharge or surcharges as shall or may have been made in the mean time, either by the said assessors, or by such surveyor or surveyors, or inspector or inspectors as aforesaid, testifying their allowance of the same; and shall likewise nominate and appoint two of the persons, named or presented in each of such assessments, to be collectors, or any other two such persons as the said commissioners for the execution of this act, or any two or more of them, shall think able and responsible for the respective divisions and places for which collectors shall be so presented; and shall forthwith deliver, or cause to be delivered, such assessments, so by the said commissioners allowed of, unto the respective persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them.

XXXI. And be it further enacted, That all and every surveyor and surveyors, and inspector and inspectors, appointed and to be appointed under and by virtue of the said several acts relative to the duties on houses, and windows or lights, shall be, and he and they is and are hereby impowered and authorised to inspect and examine any list or lists to be made out and signed by any such person retaining or employing any such male or female servant or servants aforesaid, or any assessment or assessments for any parish or place, before the commissioners for the execution of this act shall have signed and allowed the same, and to alter and amend any such list or lists, or assessment or assessments, if he or they shall see just cause for so doing; and every person in whose custody any such lists or assessments shall be, shall, and he is hereby required, upon the request of any such surveyor or surveyors, or inspector or inspectors, as aforesaid, to produce the same: and if any such surveyor or surveyors, or inspector or inspectors, shall, after any such list or lists, and assessment or assessments, shall be so respectively made out, and signed and allowed as aforesaid, find and discover upon his or their survey or examination, that any person who ought to be charged with the duties granted by this act, or any of them, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors, or inspector or inspectors,

If surveyors discover any omissions after the lists are signed, they are to certify the same to the commissioners, etc.

Inspectors, shall certify the same in writing under his or their hand or hands, according to the directions aforesaid, by way of surcharge, to any two or more of the said commissioners for the execution of this act, in order to have such omission or under-rate rectified in the said assessments; and such commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

XXXII. *And whereas some persons, liable to the duties granted by this act, may neglect to deliver such lists and declarations as are herein-before required,* be it further enacted, That where any person liable, under the directions herein-before contained, to deliver such lists or declaration as aforesaid to the assessor, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or lists, or declaration, to such assessor or assessors, he or she so refusing or neglecting shall, for every such offence, forfeit the sum of ten pounds.

Persons on being liable to deliver lists and declarations.

XXXIII. *And, to the end that persons keeping servants liable to the duties granted by this act, or any of them, may deliver, or cause to be delivered, to the assessor or assessors, true lists and declarations of their respective servants,* be it further enacted, That in all cases where any assessor, or surveyor or inspector, shall make a surcharge upon any person for or in respect of his or her servant or servants, omitted to be inserted in any such list or declaration as aforesaid, such surcharge shall be made after the rate or double the duty of the servant so omitted; and the assessor or surveyor so making such surcharge shall be, and he is hereby entitled to, and shall have and receive for his own use, one moiety of the sum charged by every surcharge which shall be justly made upon any such list or declaration.

Masters to be liable to be charged for their servants, they being in their lists, one half of which may be allowed the assessor or surveyor making the same.

XXXIV. *And whereas difficulties may sometimes arise in discovering lodgers or inmates in any house, liable to pay the duties granted by this act;* be it therefore enacted, That the inhabitant householder of any house, in which there shall be any lodger or inmate, keeping any servant or servants liable to the said duties granted by this act, or any of them, shall, within a week after a requisition, by notice in writing left at any such house, from or by any assessor, surveyor, or inspector of the said duties on servants, deliver to, or leave for, such assessor, surveyor, or inspector, a list, in writing, of every lodger or inmate in such house, who shall, at the time of delivering or leaving such notice, retain or employ any servant liable to the said duties granted by this act, or any of them, or shall have retained or employed any such servant or servants from the tenth day of October, one thousand seven hundred and eighty-four, to the fifth day of July, one thousand seven hundred and eighty-five, or the first assessment under this act; and from the fifth day of April in in each preceding year, on every future assessment; which list shall express the christian and surname of every such lodger or inmate, and also of every such servant or servants, to the best of the knowledge or information of such inhabitant householder; and if any inhabitant householder shall refuse or neglect to

Inhabitant householders to deliver lists of lodgers, who keep servants.

containing the names of the parties;

on penalty of 10l.

to deliver any such list as last herein-before mentioned, or shall willfully omit or misrepresent any description which ought to be contained therein, he or she so offending shall, for every offence, forfeit ten pounds.

Persons over-rated may appeal to the commissioners.

XXXV. And be it further enacted, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated by any assessments, charge, or surcharge to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively to appeal to the said commissioners for the execution of this act; and the said commissioners, or any two or more of them, shall, and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause, to the satisfaction of the commissioners, in manner for such omission herein before mentioned; provided that, at the time of hearing the same appeal, a list or lists shall be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of servants, liable to the aforesaid duties enacted by this act, of such appellant, within the district or limits of the place where such appeal shall be made, kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such servants which shall have been so kept by him or her within the year preceeding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein before required; and all such appeals shall be heard and determined, for the first assessment, on such days as the said commissioners for the execution of this act, or any two or more of them, shall appoint, and afterwards on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

Appellant to deliver, on oath, a list of the greatest number of servants employed, etc.

Commissioners are not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated.

That no person shall be given an appeal.

XXXVI. And be it further enacted, That the said commissioners for the execution of this act, or any of them, shall not, upon the hearing any appeal, make any abatement or falsification in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessments or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the said ten

days notice thereof to the said surveyor, or to one or more of assessors of the parish or place wherein such person is rated, of such intention to appeal: and such surveyor or inspector and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor, inspector, and assessor, and appellant, shall have full and free liberty to be present during all the time of hearing such respective appeals, and the determination of the said commissioners on the same: and the said commissioners are hereby authorized and impowered upon every such appeal, although they shall confirm the surcharge of such assessors, or surveyor or inspector, upon application of such appellant as aforesaid, to remit and strike off the penalty hereinbefore directed to be paid to such assessor, surveyor, or inspector, surcharging such list, if they shall be of opinion that there was any doubt whether the servant so surcharged was rateable within the meaning of this act, and was wrongly omitted by such appellant out of such list or lists, or declaration as aforesaid.

Commissioners, in certain cases, may remit the penalty, being directed to be paid to the assessor, etc.

XXXVII. Provided always, and be it further enacted, That if, on such examination on the hearing of such appeal, it shall appear to the said commissioners for the execution of this act, that such surcharge was falsely and vexatiously made; then, and in such case, such surveyor, or assessor or inspector so surcharging, shall forfeit and incur such penalties and punishment as, in and by the said acts relative to the duties on houses, and windows or lights, are directed to be inflicted on surveyors, or inspectors or assessors, for neglect of duty.

Penalty on surveyors, etc., for making a false surcharge.

XXXVIII. And be it further enacted, That all appeals, once heard and determined by the said commissioners of this act, or any two or more of them, or the major part of them then present, on the day or days by them appointed for hearing of appeals, shall be final, except as herein after excepted.

Determination of commissioners to be final; except, etc.

XXXIX. And be it further enacted, That if either the said surveyor or inspector, or the person so appealing, in that part of Great Britain called England, or in Wales, or in Towns upon Tyne, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor or inspector, or person so appealing respectively, to require the said commissioners for the execution of this act to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners, or the major part of them then present, are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the justices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every such justice and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted,

Persons dissatisfied may, in England, appeal to the court of king's bench;

and in Scotland to the court of session, etc.

mitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of the appeal shall be altered or confirmed: and if either the said surveyor or inspector, or the person so appealing, in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person dissatisfied respectively, to require the said commissioners, or the major part of them then present, to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the judges of the court of session, or of the barons of the exchequer in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of such appeal, shall be altered or confirmed.

Provided, relative to the execution of this act, that, with respect to the judges.

XI. Provided always, and be it further enacted, That notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners for the execution of this act shall stand, with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case.

Monies arising from this act to be paid into the exchequer, and entered separate and apart from all others.

Application thereof.

XII. And be it further enacted, That there shall be kept in the office of the auditor of the receipt of his Majesty's exchequer a book or books, in which all the monies arising from the said duties granted by this act, and paid into the said receipt, shall be entered separate and apart from all monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever; and all monies to paid into the said receipt under this act, shall be appropriated in manner following; (that is to say), the annual sum of fifty-one thousand pounds, part of the duties arising by this act, shall be carried to, and made part of, the fund commonly called *The Sinking Fund*, as is directed by the said recited act of the seventeenth year of his present Majesty, in respect to the duties on male servants thereby granted; and the remainder of the duties granted by this act, shall be a fund for the payment of the annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain new or surmounting, and transport bills, and ordnance debentures.*)

And coming
the ex-
ing act.

XLII. And be it further enacted, That every penalty or forfeiture which shall be incurred under this act of a great

than twenty pounds, shall be recovered in any of his Majesty's courts of record at *Westminster*, if the matter shall arise within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of session, court of justiciary, or court of exchequer in *Scotland*, if the matter shall arise in that part of the united kingdom, by action of debt, bill, plaint, or information; where-in no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

XLIII. And be it further enacted, That, in all cases where the penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewardry, division, city, liberty, town, or place, wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, riding, shire, stewardry, division, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

XLIV. And be it further enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them.

XLV. And be it further enacted, That all actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued or prosecuted for any thing by law or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and it upon a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, then such defendant or defendants shall have treble costs awarded to him or her against such plaintiff or plaintiffs.

where to be recovered.

Penalties not exceeding 20^l. recoverable before two justices;

and may be levied by distress.

Constables, &c. to be aiding in executing this act.

Limitation of actions.

General issue.

Treble costs.

C A P. XLIV.

An act for regulating insurances on ships, and on goods, merchandizes, or effects.

Preamble.

WHEREAS it hath been found by experience, that the making or effecting insurances on ships or vessels, and on goods, merchandizes, and effects in blank, and without specifying therein the name or names of any person or persons for whose use and benefit, or on whose account, such insurances are made or effected, hath been, in many respects, mischievous, and productive of great inconveniences; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

From July 5, 1785, no policy of insurance on ships to be made, without inserting in the names of persons interested, or of their agents.

parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, who shall live or reside in Great Britain, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies, his, her, or their own name or names, as the person or persons interested therein, or the name or names of the person or persons who shall effect the same, as the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, such policy or policies is or are to made or underwrote; and that it shall not be lawful, from and after the said fifth day of July, one thousand seven hundred and eighty-five, for any person or persons who shall not live or reside in Great Britain, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies the name or names of the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, the same is or are so made or underwrote; and that every policy or policies of assurance, made or underwrote contrary to the true intent and meaning hereof, shall be null and void to all intents and purposes whatsoever.

Policies made contrary hereto, shall be void.

C A P. XLV.

An act for reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in London, Middlesex, and the borough of Southwark, to the same periods in each court; and for abolishing fees paid by these debtors to gaolers, or others, on account of such imprisonment.

Preamble.

WHEREAS, by various acts of parliament now in force, and made to establish or regulate courts for the recovery of small debts, particularly in the city of London, the county of Middlesex,

the city and liberty of Weſtminſter, the Tower Hamlets, and within the town and borough of Southwark, there is no uſe in time limited for the duration of the imprifonment of the defendant or debtor, againſt whom an execution, proceſs of contempt, or precept in the nature of an execution, is iſſued for nonpayment of ſuch debts and coſts, ſum or ſums of money, as by the order or orders of ſuch courts, ſuch debtor or defendant is ordered or directed to pay, but ſuch debtors or defendants are by ſuch acts of parliament to be committed to priſon, there to remain for an indefinite length of time, until he, ſhe, or they, ſhall perform the order of the court or commiſſioners in that behalf, ſo that it frequently happens that a poor perſon who is not of ability to pay a debt of or under forty ſhillings, is imprifoned for many months, and ſometimes for years, without a poſſibility of being diſcharged: and whereas it often happens that poor perſons who are committed to priſon by virtue of, and in purſuance of the ſaid acts of parliament, for a trifling debt, are kept in cuſtody, after they have been enabled to pay and diſcharge ſuch debt, for gaol fees, notwithstanding it does not appear by the table of fees in ſuch acts of parliament, that any gaol fees whatever are to be taken or paid: for remedy whereof, be it enacted by the King's moſt excellent majeſty, by and with the advice and content of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, From June 24, 1785, debtors committed to priſon by courts of conſeſtance in London, Middleſex, &c. for a debt of 20s. or under, not to be confined more than 20 days; and not exceeding 40s. for more than 40 days.

II. And be it further enacted by the authority aforeſaid, That when the time ſhall expire for which ſuch perſon or perſons reſpectively ſhall have been committed or ſent to any gaol or priſon as aforeſaid, every ſuch perſon or perſons ſhall immediately be diſcharged and ſet at liberty without paying any ſum or ſums of money, fee or fees, or other reward or gratuity whatſoever, to the gaoler, keeper, or turnkey of ſuch gaol or priſon, or others, by way of gaol fees, or diſcharge fees, or otherwiſe, on any pretence whatſoever; and every gaoler, keeper, or turnkey, of any ſuch gaol or priſon, or others, demanding, taking, or receiving any fee or fees, ſum or ſums of money, or other reward or gratuity, upon the diſcharge of any ſuch perſon or perſons

Such priſoners to be diſcharged without paying gaol fees.

Penalty on gaolers, &c. demanding fees.

persons so to be committed to his custody as aforefaid, or keeping or detaining any fuch person or persons prisoner or prisoners, after the time for which he, she, or they, shall be committed as aforefaid, shall forfeit and pay the fum of five pounds.

Two justices may deter-
mine off-n-ces
againft this
act.

Penalties may
be levied by
diffreits,

or the offen-
der commit-
ted.

Application
of forfeitures.

Complaints of
offence, to be
made within
two months.

Procefs not to
iffue againft
both body and
goods of the
fame party.

Qualification
of commiffi-
oners for ex-
ecuting the
aforefaid acts.

III. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any two justices of the peace where the offence fhall be committed, to hear and determine any offence againft this act; which fuid two justices of the peace are hereby authorized and required, upon any information exhibited, or complaint made before them of fuch offence having been committed, to fummon the party accused, and alfo the witneffes on either fide, and to examine into the matter of fact; and upon due proof made thereof by the oath of one or more credible witneffes or witneffes, or by the voluntary confeffion of the party, to give judgment or fentence for the penalty or forfeiture as in and by this act is directed, and to award and iffue out their warrant under their hand and feal for levying the fuid penalty of five pounds to adjudged on the goods of the offender, and to caufe fale to be made thereof, in cafe they fhall not be redeemed in four days, rendering to the party the overplus, (if any;) and where the goods of fuch offender cannot be found fufficient to answer the penalty, to commit fuch offender to prifon, there to remain for the fpace of two months, unlefs fuch penalty fhall be fooner paid and fatisfied.

IV. And be it further enacted, That all forfeitures and penalties inflicted by this act (the neceffary charges for the recovery thereof being firft deducted) fhall be divided and diftributed, one moiety thereof to be paid to the churchwardens or overfeers of the poor, for the fupport and maintenance of the poor of the parifh in which the offence was committed, and the other moiety to the perfon or persons who fhall inform and fue for the fame.

V. Provided alfo, and be it enacted, That no perfon or persons fhall be liable to be convicted before any justices of the peace for any offence committed againft this act, unlefs complaint or information fhall be made or exhibited againft fuch perfon or persons within two calendar months after fuch offence committed.

VI. Provided always, and be it enacted, That it fhall not be lawful for any fuch court or commissioners to iffue any procefs againft the body or bodies of any perfon or persons, where the party intituled to the benefit of any order, judgement, or decree, fhall, at the fame time, have obtained any warrant or procefs againft the goods and chattels of the fame perfon or persons.

VII. And be it further enacted, That, from and after the twenty-fourth day of June, one thoufand feven hundred and eighty five, no perfon fhall be capable of acting as a commiffioner in the execution of the feveral acts herein-before mentioned, unlefs fuch perfon fhall be a houfeholder with

town, city, liberty, or place, for which he shall act, and shall be possessed of a real estate of the annual value of twenty pounds, or of a personal estate of the value of five hundred pounds: and if any person, not being so qualified, shall presume to act as a commissioner in the execution of any of the said acts, such person so acting shall forfeit and pay the sum of twenty pounds to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, with full costs of suit, by action of debt, or on the case, wherein no escaim, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and the person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said penalty, upon proof being given of his having acted as a commissioner in the execution of any of the said acts; provided such action or suit be commenced within six calendar months next after the offence committed.

Penalty on
a person not be-
ing qualified.

VIII. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. XLVI.

An act for the more effectual transportation of felons, and other offenders, in that part of Great Britain called Scotland, and to authorize the removal of prisoners in certain cases.

WHEREAS an act was passed in the last session of parliament, intituled, An act for the effectual transportation of felons, and other offenders; and to authorize the removal of prisoners in certain cases; and for other purposes therein mentioned: and whereas the said act does not extend to that part of Great Britain called Scotland; but it is expedient that his Majesty be empowered, with the advice of his privy council, to appoint certain places, as well out of his Majesty's dominions as within the same, to which criminals, when condemned to transportation in that part of the kingdom, may be conveyed; and that other regulations be made for the more effectual transportation of such offenders there: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and common, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and eighty-five, when any person or persons shall be lawfully convicted, before any court, competent for the trial of crimes in Scotland, of any offence for which the punishment of transportation or banishment beyond seas may be inflicted, it shall and may be lawful for the said court to order and adjudge, that such person or persons, if convicted as aforesaid, shall be transported beyond seas, in like manner as now is in use; and, in every such case,

Preamble.

Recital of 24
Geo. 3. c. 56.

Persons con-
victed of
transportable
crimes in
Scotland, may
be transport-
ed.

to such places as his Majesty, in council, shall appoint.

If his Majesty should extend his mercy to any offender capitally convicted, the court may order him to be transported.

Persons contracting to transport offenders, may carry them through any county to the sea-port. Penalty on refusing them, &c.

If any person ordered for transportation, &c. shall be found at large in Great Britain or Ireland, before the assign-

case, it shall and may be lawful for his Majesty, by and with the advice of his privy council, to declare and appoint to what place or places, part or parts beyond the seas, either within his Majesty's dominions, or elsewhere out of his Majesty's dominions, such offenders shall be conveyed or transported; and such court is hereby authorised and empowered to adjudge the services of such offenders, and to order them to be transferred to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such transportation: and when his Majesty, his heirs and successors, shall be pleased to extend mercy to any offender or offenders, who hath or have been, or shall be under sentence of death, in that part of *Great Britain* called *Scotland*, upon condition of transportation to any place or places, part or parts beyond seas, either for term of life, or any number of years, and such intention of mercy shall be signified by one of his Majesty's principal secretaries of state, it shall be lawful for any court, having proper authority, to allow such offender or offenders the benefit of a conditional pardon, and (except in cases where such offender or offenders shall be authorised by his Majesty to transport himself, herself, or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such transportation, and his or their assigns, for such and the same term of years for which any such offender or offenders shall have been ordered to be transported, or for such term of life or years as shall be specified in such condition of transportation as aforesaid; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer as aforesaid, shall have a property in the services of such offender or offenders for such terms respectively.

II. And be it further enacted by the authority aforesaid, That the person or persons so contracting as aforesaid, to whom any offender shall be delivered in order to be transported, or any other person or persons lawfully authorised, may, in such manner as they shall think fit, carry and secure the said offenders in and through any county of *Great Britain*, towards the sea port or place from whence they are to be transported; and if any person or persons shall rescue such offenders, or any of them, or assist them, or any of them, in making their escape from such person or persons as shall have them in their custody, as aforesaid, he, she, or they shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy by the law of *England*.

III. And be it further enacted by the authority aforesaid, That if any offender or offenders, who shall be to ordered by such court as aforesaid, to be transported beyond the seas, or who shall agree to transport himself or herself on certain conditions, either for life or any number of years, to any place or places, part or parts, as shall be appointed by his Majesty in manner aforesaid, shall be afterwards at large within any part of the kingdom of *Great Britain* or *Ireland*, without some lawful

case, before the expiration of the term for which such offender or offenders shall have been ordered to be transported beyond the seas, or shall have so agreed to transport himself or herself as aforesaid, every such offender being at large as aforesaid, being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of clergy, by the law of *England*; and such offender or offenders, being so found at large in that part of *Great Britain* called *Scotland*, may and shall be tried there before any court of competent jurisdiction for the trial of the original offence: and whoever shall discover and prosecute to conviction any such offender or offenders, so being at large as aforesaid, shall be entitled to a reward of twenty pounds for every such offender so convicted: provided nevertheless, That his Majesty, his heirs and successors, may pardon and dispense with such transportation, and allow of the return of any such offender to the kingdom of *Great Britain*.

tion of his term, he shall suffer death.

Persons discovered and prosecuting such offenders, intitled to a reward of 20l.

IV. And be it enacted by the authority aforesaid, That, from and after the passing of this act, it shall be lawful for his Majesty, from time to time, by an order in writing, to be notified by one of his principal secretaries of state, or for any two or more of the lords of justiciary in *Scotland*, who shall be authorized by his Majesty under his sign manual, to direct the removal of any male offender or offenders who now is or are, or hereafter shall be under sentence of death, but reprieved during his Majesty's pleasure, or under sentence or order of transportation, in that part of *Great Britain* called *Scotland*, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender or offenders shall be confined, to such place of confinement within *Great Britain*, either at land or on board any ship or vessel in the River *Thames*, or any navigable or other river, or within the limits of any port of *Great Britain*, as his Majesty, or others legally authorized as aforesaid, shall from time to time appoint; and every offender, who shall be so removed, shall continue in the said place of confinement, or be removed to or confined in any other such place or places as aforesaid, as his Majesty, or any others duly authorized as aforesaid, from time to time, shall appoint, until such offender shall be transported according to law, or by the expiration of the term of such transportation, or otherwise, shall be intitled to his liberty, or until such offender be returned to the gaol or prison from which he shall have been so removed; and the sheriff, magistrate, or gaoler, having the custody of any offender, whose removal shall be ordered in manner aforesaid, shall, with all convenient speed, after the receipt of the notification of any such order, convey, or cause to be conveyed, every such offender to the place appointed, and there deliver him, together with a certificate, containing his christian name, surname, and age, and also the offence for which, and the court in which he was convicted, and the

His Majesty empowered to order, or to authorize two lords of justiciary to order, the removal of male prisoners under sentence of death, etc. from any gaol in *Scotland* to any other in *Great Britain*, etc.

Gaoler to deliver offenders according to such orders, with a proper certificate.

the purport of his or her fentence, to the overfeer or overfeers of the faid place to which fuch offender is fo fent, who fhall give a proper receipt, in writing, to the fheriff, magiftrate, or gaoler, for his exoneration.

Expences of removal how to be paid.

V. And be it enacted by the authority aforefaid, That all fees and expences attending fuch removal, fhall be paid in the fame manner as has been praifed in *Scotland* in the cafe of transportation beyond fea.

Overfeers, to whom fuch prifoners are delivered, to have the fame powers over them as gaolers, etc.

VI. And be it enacted by the authority aforefaid, That after the removal of any offender under this act, the overfeer who fhall have the cuftody of him fhall, during the term of fuch cuftody, have the fame powers over him as are incident to the office of a fheriff or gaoler, and in like manner be answerable for any effe of fuch offender, and alfo, during fuch cuftody, fhall feed and cloath fuch offender, and fhall keep him to labour at fuch places, and under fuch directions, limitations, and reftriptions, as his Majefty, or others duly authorized as aforefaid, fhall, from time to time, by any order to be directed to fuch overfeer or overfeers for their inftrution, appoint.

Time of impiforment to be deemed part of the term of transportation. Overfeers may inflict moderate punishment for mifbehaviour, etc.

VII. And it is hereby declared, That the time during which any offender fhall have continued in gaol under fentence of transportation, or, being removed under the provisions aforefaid, fhall continue confined by virtue of this act, fhall be taken and reckoned in difcharge, or part difcharge, or fatisfaction of the term of his transportation: and if, during fuch confinement under this act, he fhall be guilty of any diforderly conduct, it fhall be lawful for the overfeer or overfeers, having the cuftody of him, to inflict, or caufe to be inflicted fuch moderate punishment or correction as may be inflicted by law on perfons committed to a houfe of correction; and if any fuch offender fhall break from, or unlawfully efcape from the cuftody of fuch overfeer, or overfeers; or if any perfon fhall refcue, or attempt to refcue, or affift in refcuing, any fuch offender from fuch cuftody; or fhall convey, or caufe to be conveyed, any difguife, instrument, or arms, to fuch offender; every fuch offence fhall be punishable in the fame manner as if fuch offender had been confined in a gaol or prifon, in the cuftody of the fheriff, magiftrate, or gaoler, for the crime of which fuch offender fhall have been convicted.

If offenders cannot conveniently be transported to the place mentioned in their fentence, two judges of the court of juftice may order them to

VIII. And be it further enacted by the authority aforefaid, That if any offender, within that part of *Great Britain* called *Scotland*, hath already been ordered to be transported to any part beyond the fea, or if any order fhall at any time hereafter be made for the transportation of any fuch offender, and fuch order cannot be conveniently executed with refpect to the place in fuch order mentioned, it fhall be lawful for any two or more of the judges of the court of jufticiary to order that fuch offender fhall be transported to any other part or place beyond the fea, which fhall have been appointed by his Majefty, with the advice of his privy council as aforefaid, for the transportation

tion of such offenders, in such and the like manner, and for the same term of years, as such offender is or shall be liable to be transported to the place mentioned in the original sentence or order for his or her transportation; and such order shall be considered as made at the same time, and shall be as effectual to every intent and purpose, and shall have all the same consequences in every respect, as the original order for the transportation of such offender; and such offender shall be transferred, conveyed, and made over, to any person who will contract for the performance of such transportation, and to his or their assigns, in like manner as if such offender had been transported to the place mentioned in the original order of transportation; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer as aforesaid, shall have a property in the service of the said offender, for the remainder of the term for which the offender was originally ordered to be transported; and in case such offender so ordered for transportation, shall be afterwards at large within any part of the kingdom of *Great Britain*, without some lawful cause, before the expiration of the term for which such offender shall have been ordered to be transported, every such offender, being thereof lawfully convicted, shall suffer death, as in cases of felony, without benefit of clergy, and shall be tried before such judges, and in such manner, and the same evidence made use of for his or her conviction, as shall be directed by the laws now in being, or hereafter to be made, for the trial of other offenders found at large within this kingdom before the expiration of the term for which they were ordered to be transported; and whoever shall discover and prosecute to conviction any such offender, to being at large within this kingdom as aforesaid, shall be entitled to a reward of twenty pounds for every such offender so convicted.

be transported to any other place appointed by his Majesty for the transportation of such offenders.

Offenders returning before the expiration of their term, to suffer death.

20l. reward for prosecuting such offenders.

IX. And be it further enacted by the authority aforesaid, That all actions, suits, and prosecutions, to be commenced against any person or persons, for any thing done in pursuance of this act, shall be laid and tried in the county and place where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise.

Limitation of actions.

X. And be it enacted by the authority aforesaid, That the provisions of this act, so far as the same extend to authenticate the removal of offenders to temporary places of confinement, shall continue to be in force until the first day of *June*, one thousand seven hundred and eighty-seven, and from thence until the end of the then next session of parliament.

Continuance of this act.

C A P. XLVII.

An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred.

Preamble.

Coaches, etc.
20. Geo. 2.
c. 10.

WHEREAS by an act, made in the twentieth year of his late Majesty King George the Second, intituled, An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties; it was enacted, That, from and after the twenty-fifth day of March, one thousand seven hundred and forty-seven, there should be paid and paid, until for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chaise, calash with four wheels, chaise-marine, chaise with four wheels, and carman, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches,) the yearly sum of four pounds; and for and upon every calash, chaise, and chaise, with two wheels, or by what name soever such carriages then were, or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of forty shillings; which said several rates and duties should be paid by the person or persons keeping such carriages; and the said rates and duties were put under the management of the commissioners of excise in England and Scotland respectively; in which act there was a clause, exempting publick stage coaches from the said duty of four pounds: and whereas by an act, made in the sixteenth year of his present Majesty, intituled, An act for granting to his Majesty several duties on coaches, and other carriages therein mentioned; and several rates and duties upon indentures, leases, bonds, and other deeds; and upon cards, dice, and newspapers; and for raising the sum of two millions by annuities, and a lottery to be attended with annuities; an additional duty of twenty shillings a year was imposed upon every four-wheeled carriage, liable to the duty of four pounds by the said act of the twentieth year of his late Majesty; which before mentioned act of the sixteenth year of his present Majesty also imposed the yearly duty of five pounds per and upon every coach, berlin, landau, chaise, calash with four wheels, chaise-marine, chaise with four wheels, and carman, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person or persons as publick stage coaches, (except such coaches and other carriages as then were, or thereafter might be licensed

26 Geo. 2.
c. 34.

licensed by the commissioners for the duties arising by hackney coaches,) to be paid by the person or persons keeping the same, who were to be under the like rules, directions, and penalties, as persons keeping coaches for their own use, or to let out for hire, were by the said act of the twentieth of George the Second: and whereas, by virtue of an act, made in the nineteenth year of his present Majesty, intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain; and of two other acts, one made in the twenty-first year of his present Majesty, and the other in the twenty-second year of his present Majesty, three several additional duties of five pounds per centum became charged upon the produce and amount of the said duties, so laid by the said recited acts of the twentieth year of George the Second, and sixteenth year of his present Majesty: and whereas by an act, made in the twenty-second year of his present Majesty, there was charged an additional duty of twenty shillings a year for and upon every coach, brian, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, or that should be kept by or for any person or persons as publick stage coaches (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches;) and also for and upon every calash, chaise, and chair with two wheels, or by what name soever such carriages then were or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his, her, or their own use: and it was further enacted, That the said several additional duties therein before granted should be moreover sub-^{21 Geo. 3. c. 17. and 22 Geo. 3. c. 66.} ject to the additional duty of five pounds per centum and five pounds per centum on the produce thereof respectively, in the same manner as the additional duties of five pounds per centum and five pounds per centum were granted by the said recited acts of the nineteenth year and the twenty-first year of his present Majesty: and whereas, by an act made in the twenty-third year of his present Majesty, intituled, An act for granting to his Majesty several rates and duties upon waggons, wains, carts, and other such ^{23 Geo. 3. c. 66.} carriage, not charged with any duty under the management of the commissioners of excise, it was enacted, That, from and after the first day of November, one thousand seven hundred and eighty-three, there should be paid unto his Majesty, his heirs and assigns, the several rates and duties following, (that is to say:) That every person who should keep any waggon, wain, cart, or other such carriage, with three or four wheels (except such carriages as then were charged with any duty under the management of the commissioners of excise,) should yield and pay annually four shillings for every such waggon, wain, or other such carriage as aforesaid, which should be expressed in a licence for that purpose; and that every person who should keep any cart or other carriage with two wheels (except such

24 Geo. 3.
c. 31.

carriages as were then charged with any duty under the management of the commissioners of excise,) should yield and pay annually two shillings for every such cart or other carriage, which should be expressed in a licence for that purpose; and the said duties were placed under the receipt and management of the commissioners of stamps: and whereas by an act, passed in the last session of parliament, intituled, An act for granting to his Majesty certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable, it was enacted, That, from and after the twentieth day of September, one thousand seven hundred and eighty-four, there should be paid, throughout the kingdom of Great Britain, unto his Majesty, his heirs and successors, amongst other duties, the duties following; (that is to say,) every person who should keep and use any horse, mare, or gelding, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any other carriage, by whatsoever name such carriage was then or thereafter might be called or known, for or in respect whereof any rate or duty under the management of the commissioners of excise, then was payable by any statute then in force, should yield and pay annually for every horse, mare, or gelding, the sum of ten shillings; and for laying the said duty on horses it was enacted, That the same should be under the government, care, and management of the commissioners of stamps, in manner therein mentioned; in which said act is contained a proviso, exempting from the said duty certain horses therein particularly described: and whereas it is expedient that the said duties on carriages, now or heretofore under the management of the commissioners of the excise, granted by the said several and recited acts, should be repealed; be it further enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, the said duties, imposed by the said several and recited acts, shall cease, determine, and be no longer paid or payable.

The duties
granted by
the recited
acts repealed.

New duties.

II. And be it further enacted, That, for and in lieu of the said duties, there shall be charged and paid unto and for the use of his Majesty, his heirs and successors, the respective duties following; (that is to say,)

For every
coach, lan-
dau, or other
four wheeled
carriage,
(except hack-
ney coaches)

7l. per ann.

For every ca-
lask, chaise, &c.

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages now are or hereafter may be called or known, that shall be kept by or for any person for his or her own use, or to be let out to hire (except such coaches and other carriages as now are or hereafter may be licensed by the commissioners for the duties on hackney coaches,) the yearly sum of seven pounds:

For and upon every calash, chaise, or chair with two, or three wheels, or by what name soever such carriages now are or

or

*or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of three pounds and ten shillings. other carriage with two or three wheels 3l. 10s. per ann.

III. And whereas it is apprehended, that the said recited duties on carriages and horses may be more conveniently and effectually collected under the management of the commissioners for the affairs of taxes, than under the management of the said commissioners of excise and stamps respectively; be it therefore enacted, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions by the said recited acts of the twentieth year of the reign of his late majesty King George the Second, and the sixteenth, nineteenth, twenty-first, and twenty-second years of his present Majesty, or any of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on carriages, under the management of the commissioners of excise; and also, that from and after the tenth day of October, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions, by the said recited acts of the twenty-third and twenty-fourth years of his present Majesty, or either of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on waggons, wains, and other such carriages not charged with any duty under the management of the commissioners of excise; and also on horses kept for the purpose of riding, or in drawing certain carriages, in respect whereof any duty of excise is made payable, or for limiting the time or manner of paying the same, and all penalties and forfeitures in respect thereof, shall cease and determine. From July 5; 1785, the provisions in the recited acts which place the duties under the management of commissioners of excise and of stamps repealed.

IV. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to remove from the management of the commissioners of stamps the licences granted by them to any person or persons exercising the trade and business of an horse dealer, nor to remove the management of the duties charged on the owners of horses entered to start or run for any plate, prize, sum of money, or other thing. Not to remove from commissioners of stamps the licences granted to horse dealers, etc.

V. Provided always, and be it further enacted, That, from after the said fifth day of July, one thousand seven hundred and eighty-five, so much of the said recited act of the twenty-third year of his present Majesty, charging duties upon waggons, and other carriages therein mentioned, as requires the said duties to be expressed in a licence for keeping such waggons and carriages, shall be no longer in force, but from thenceforth the same duties shall be payable as if they had been granted without requiring the form of any such licence. Licences for keeping waggons not necessary.

VI. Provided also, and be it further enacted, That nothing herein-before contained shall be construed to affect the recovery of any arrears which any, on the said fifth day of July or tenth day

day of *October*, one thouſand ſeven hundred and eighty-five, reſpectively, remain unpaid of any of the ſaid duties, the receipt and management of which are transferred by this act, or the recovery of any penalty or forfeiture which may have been incurred on or before the ſame days.

From July 5, 1755, the duties on carriages, the duties on waggons, etc. and on horſes, ſhall be aſſeſſed, by ſuch perſons, and in like manner, as the duties on houſes and windows, granted by 20 Geo. 2. c. 3;

20 Geo. 2. c. 43;

21 Geo. 2. c. 10;

26 Geo. 2. c. 17;

31 Geo. 2. c. 23;

3 Geo. 3. c. 8;

6 Geo. 3. c. 38;

VII. And be it further enacted, That, from and after the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, the duties hereby impoſed on carriages, heretofore under the management of the commiſſioners of exciſe, and alſo the ſaid duties on waggons, wains, and other ſuch carriages, and on horſes, charged by the ſaid recited acts, or any of them, ſhall be aſſeſſed, raiſed, levied, collected, and received, by ſuch perſons, in ſuch and the like form and manner, and with ſuch allowances, and under ſuch penalties, forfeitures, and diſabilities, and according to ſuch rules, methods, and directions, as are preſcribed or appointed for aſſeſſing, raiſing, levying, collecting, receiving, and paying the duties on houſes, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Maſteſty, intituled, *An act for repealing the ſeveral rates and duties upon houſes, windows, and lights; and for granting to his Maſteſty other rates and duties upon houſes, windows, or lights; and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties; and by another act, made in the twentieth year of the reign of his ſaid late Maſteſty, intituled, An act to enforce the execution of an act of this ſeſſion of parliament, for granting to his Maſteſty ſeveral rates and duties upon houſes, windows, or lights; and by an act made in the twenty-fiſt year of his ſaid late Maſteſty's reign, intituled, An act for explaining, amending, and further enforcing the execution of an act, paſſed in the laſt ſeſſion of parliament, intituled, "An act for repealing the ſeveral rates and duties upon houſes, windows, and lights; and for granting to his Maſteſty other rates and duties upon houſes, windows, or lights; and for raiſing the ſum of four millions four hundred thouſand pounds by annuities, to be charged on the ſaid rates or duties;" and by an act, made in the twenty-fixth year of the reign of his ſaid late Maſteſty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland; and by an act, made in the thirty-fiſt year of his ſaid late Maſteſty, intituled, An act for granting to his Maſteſty ſeveral rates and duties upon offices and penſions; and upon houſes, and upon windows or lights; and for raiſing the ſum of five millions by annuities and a lottery, to be charged on the ſaid rates and duties; and by an act, made in the ſecond year of the reign of his preſent Maſteſty, intituled, An act for granting to his Maſteſty ſeveral rates and duties upon windows or lights; and by an act, made in the ſixth year of his preſent Maſteſty, intituled, An act for repealing the ſeveral duties upon houſes, windows, and lights; and for granting to his Maſteſty other duties upon houſes, windows, and lights; and by another act, made in the nineteenth year of his preſent Maſteſty, intituled, *An act for repealing the duties on all inhabited***

inhabited houſes, impoſed by an act made in the laſt ſeſſion of parliament; and for granting to his Maſteſty other duties upon all inhabited houſes in Great Britain, and for amending the ſaid act; and alſo for amending ſo much of an act, made in the ſeventeenth year of the reign of his preſent Maſteſty, as impoſes a duty upon all ſervants retained or employed in the ſeveral capacities therein mentioned; and by another act, made in the twenty-fourth year of his preſent Maſteſty, intituled, An act for repealing the ſeveral duties on tea, and for granting to his Maſteſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of coconuts and coffee; and for repealing the inland duties of exciſe thereon; or in or by any of the ſaid acts; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters and things, now in force, contained in the ſaid acts, relative to the duties on houſes and windows or lights, for aſſeſſing, raiſing, levying, and paying the rates and duties thereby granted, ſhall be in full force, and be duly obſerved, practiſed, and put in execution, throughout the kingdom of Great Britain, for aſſeſſing, raiſing, levying, collecting, and paying, the ſaid duties hereby placed under the management of the ſaid commiſſioners for the affairs of taxes, as fully and effectually, to all intents and purpoſes, as the ſame are or may be for aſſeſſing, raiſing, levying, collecting, and charging the rates and duties granted by the ſaid acts on houſes and windows, and on inhabited houſes, ſo far as the ſaid powers, rules, authorities, and penalties, are applicable thereunto, and not altered by this act.

24 Geo. 3.
c. 38.

VIII. And be it further enacted, That the ſaid duties, heretofore under the management of the commiſſioners of ſtamps, the management of which is hereby directed to be transferred, ſhall be paid into his Maſteſty's exchequer for, and applied to, the ſame uſes and purpoſes as were directed by the acts by which the ſame duties were granted.

The transferred duties to be applied as under the former acts.

IX. And whereas the duties on coaches, and other carriages, granted by the before recited act of the twentieth year of the reign of his late maſteſty King George the Second, were charged with the payment of certain annuities eſtabliſhed by the ſaid act, and afterwards, by an act of the twenty-fifth year of the reign of his ſaid late Maſteſty, made a part of the ſinking fund; and the duties granted by the ſaid recited acts of the ſixteenth and twenty-second years of the reign of his preſent Maſteſty, and alſo the ſeveral additional duties of five pounds per centum by the ſaid act of the nineteenth, and five pounds per centum by the ſaid act of the twenty firſt, with five pounds per centum, and ten pounds per centum, granted by the ſaid act of the twenty-second year of the reign of his ſaid preſent Maſteſty, were reſpectively made a part or parts of the funds, granted for payment of annuities eſtabliſhed by ſundry acts of parliament, paſſed in the ſaid ſixteenth, nineteenth, twenty-firſt, and twenty-second years of the reign of his ſaid preſent Maſteſty; be it therefore enacted, That, from and after the fifth day of July, one thouſand ſeven hundred and eighty-five, out of the monies that ſhall ariſe and be paid into the receipt of his Maſteſty's exchequer of the ſaid

Recital of the application of the former duties.

Part of new duties to be applied in the ſame manner.

yearly duties of seven pounds, and of three pounds ten shillings, on the respective coaches, and other carriages, granted by this act, the sum of twenty-two thousand two hundred forty-six pounds, being one fourth part of the annual sum of eighty-eight thousand nine hundred eighty-four pounds, shall, quarterly; on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the sinking fund; the sum of five thousand four hundred twenty two pounds, and five shillings, being one fourth part of the annual sum of twenty-one thousand six hundred and eighty-nine pounds, shall, quarterly on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities established by the afore-recited act of the sixteenth year of the reign of his present Majesty; the sum of one thousand three hundred seventy-seven pounds, eighteen shillings, and eight-pence, being one fourth part of the sum of five thousand five hundred and eleven pounds, fourteen shillings, and eight-pence *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities established by the said recited act of the nineteenth year of the reign of his present Majesty; the sum of one thousand three hundred fifty-seven pounds, eighteen shillings, and one penny, being one fourth part of the sum of five thousand four hundred and thirty-one pounds, twelve shillings, and four-pence *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the sinking fund; and the sum of seven thousand three hundred twenty-six pounds, eight shillings, and nine-pence, being one fourth of twenty-nine thousand three hundred and five pounds, and fifteen shillings *per annum*, shall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund granted for payment of the annuities established by the said recited act of the twenty-second year of the reign of his present Majesty, and shall be issued, paid, and applied, according to the directions, and for the several uses and purposes to which the same funds are respectively appropriated by the afore-recited acts; which several annual sums afore-mentioned, are the proportional sums that have been applied out of the duties repealed by this act, according to a statement made thereof.

How to proceed in case of a deficiency of duties.

X. And be it further enacted, That if, on any of the said quarter days, the produce of the said duties on coaches and other carriages hereby granted shall not be sufficient to answer the above sums to be carried to the respective funds as above directed, such produce shall be carried to the several funds afore-said, in the order in which the same are herein directed, so far as the said produce in such quarter will extend, and the deficiency shall be supplied out of the produce of the next, or any future

future quarter; and in case there shall be a surplus remaining in the receipt of the exchequer of the monies arising by the said duties, over and above sufficient to satisfy the charges hereby made on the same, such surplus shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament for that purpose.

Surplus to be reserved for the disposition of parliament.

XI. And be it further enacted, That, for the better assessing, levying, collecting, and paying the said recited duties on coaches, carriages, and horses, the commissioners authorised or appointed, or who shall be hereafter authorised or appointed, for putting in execution the said acts relative to the duties on houses, and windows or lights, and inhabited houses, shall be commissioners for executing this present act, and the powers therein contained, in all and singular the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within the kingdom of *Great Britain*; and such commissioners, for the speedy execution of this act, shall, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or shall be appointed commissioners, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duty on carriages, now or heretofore under the management of the commissioners of excise, and on or before the tenth day of *October*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duties on waggons, wains, and other such carriages, and on horses; and afterwards shall in like manner meet yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, on or before the thirtieth day of *April*; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the said recited duties on carriages and horses, in such and the same manner as is prescribed by the said acts relative to the duties on houses, and windows or lights, and inhabited houses, or any of them, with respect to the duties thereby imposed, except so far as any alteration is made by this act.

Commissioners of the aforementioned duties on houses, &c. to put this act in execution.

First meeting, &c.

XII. Provided always, and be it further enacted, That if, by any negligence or default, there shall not have been a meeting of the said commissioners for executing this act, within or at the times, or according to the manner hereby prescribed, the said commissioners, or any two or more of them, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* respectively, wherein such default shall have happened, may and shall meet at any other time or times, as soon as may be after the time or times so prescribed, in order to execute the powers of this act, so as that the said recited duties on carriages and horses may be duly and effectually assessed, raised, levied, and paid to his Majesty,

Commissioners, on default of meeting on the day above mentioned, may meet afterwards, &c.

his heirs and ſucceſſors, notwithstanding any ſuch default or defect as aforeſaid.

Oaths to be
taken by
commiſſion-
ers.

XIII. Provided alſo, and be it further enacted, That no perſon ſhall preſume to act as a commiſſioner in the execution of this act, (except in adminiſtering the oath of qualification herein-after expreſſed), until he ſhall have taken the ſeveral oaths requiſite to qualify him for acting as a commiſſioner of the ſeveral duties charged on houſes, windows or lights, and inhabited houſes, by any of the acts herein-before referred to, and alſo ſhall have taken the following oath; (that is to ſay,)

New oath.

I A. B. do ſwear, That I will truly and faithfully execute the office of a commiſſioner, according to an act made in the twenty-fifth year of the reign of King George the Third, for transferring the receipt and management of certain duties therein mentioned from the commiſſioners of exciſe, and the commiſſioners of ſtamps reſpectively, to the commiſſioners for the affairs of taxes; and alſo for making further provisions in reſpect to the ſaid duties ſo transferred; and will determine, without favour or affection, upon all appeals which ſhall be brought before me, under the ſaid act, according to the beſt of my ſkill and knowledge.

So help me G O D.

Penalty on
acting before
taking the
oaths.

Which oath any two or more of the commiſſioners in the county, ſhire, ſtewartry, city, or place, where the aſſeſſment is to be made, are hereby authorized to adminiſter; and if any perſon ſhall act as a commiſſioner of this act, (except as aforeſaid), before he ſhall have taken ſuch oaths as aforeſaid, he ſhall, for every offence, forfeit one hundred pounds.

The firſt aſ-
ſeſſment when
to be made.

XIV. And be it further enacted, That the firſt aſſeſſment under this act, of the ſaid recited duties on carriages, now or heretofore under the management of the commiſſioners of exciſe, ſhall be made for three quarters of a year, from the fifth day of July, one thouſand ſeven hundred and eighty-five; and of the ſaid recited duties on waggons, wains, and other ſuch carriages, and on horſes, for half a year, from the tenth day of October, one thouſand ſeven hundred and eighty-five; and afterwards the aſſeſſment of the ſaid recited duties on carriages and horſes ſhall be made for one year, from the fifth day of April in every year.

Duties to be
paid quar-
terly.

XV. And be it further enacted, That the ſaid recited duties on carriages and horſes, ſo to be aſſeſſed under this act, ſhall be paid at the times, and in the manner following, (that is to ſay), quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in every year, by equal portions; the firſt of the ſaid payments to be made on the tenth day of October, one thouſand ſeven hundred and eighty-five, for the duties on carriages, now or heretofore under the management of the commiſſioners of exciſe; and on the fifth day of January, one thouſand ſeven hundred and eighty-fix, for
the

the duties on waggons, wains, and other fuch carriages, and on horfes.

XVI. Provided always, and be it further enacted, That all persons who, previously to the said fifth day of *July*, or tenth day of *October*, one thousand seven hundred and eighty-five, shall have already paid the aforefaid duties on carriages and horfes, or any of them, for any part of the said three quarters or half year, for which the first assessments under this act are hereby directed to be made, or their refpective executors or administrators, shall, after paying the said first assessments, have a right to receive back from the commissioners of excise, or commissioners of stamps, for the duties now or heretofore under their management refpectively, or any officer or officers appointed by them, out of any monies which shall have been paid into, or be in their hands, fuch a proportion of the duties fo already paid to the said commissioners of excise or stamps refpectively, as shall be neceffary to prevent a double payment of the said duties for the said three quarters or half year on the said first assessments, or for any part thereof; for which purpofe the said commissioners of excise and stamps refpectively are hereby required to make fuch orders, in refpect to the time and manner of fuch repayments, as to them shall appear beft calculated to effectuate the intention of this act, and to prevent a double charge.

XVII. And, for more effectually levying and collecting the said recited duties on carriages and horfes under this act, be it further enacted, That if at any time there shall be a neglect of appointment of affeffors for the said duties on houfes, and windows or lights; or if at any time the affeffors appointed shall neglect what is required of them by this act, then, and in every fuch cafe, it shall be lawful to and for the ~~surveyor~~ or surveyors, or the infpector or infpectors, appointed or to be appointed under authority of the said acts, relative to the duties on houfes, and windows or lights, or on inhabited houfes, or any of them, and they are hereby authorized and required to do and perform fuch and the like fervices as, by the said acts, or any of them, are required from fuch affeffors.

XVIII. And be it further enacted, That every person fo appointed or to be appointed affeffor as aforefaid, or any surveyor or infpector hereby authorized to act as an affeffor, shall, before he prefumes to act in the execution of the said office or employment, take (befides the oaths or affirmations required to be taken by affeffors by the before-mentioned acts relative to the duties on houfes, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and fubfcribe a folemn affirmation, in the following form:

I A. B. do swear, [or affirm, as the cafe may require], That New oath. in making the affeffment which by authority of an act made in the twenty-fifth year of the reign of King George the Third for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise, and the commissioners of stamps

Clause relative to persons who have paid the old duties in advance.

If affeffors neglect their duty, surveyors, etc. may perform the fame.

Oaths to be taken by affeffors.

stamps refpectively, to the commissioners for the affairs of taxes,
*I will charge all perfons according to the beft of my fkill and know-
 ledge.*

So help me G O D.

Penalty on
 acting before
 taking the
 oath.

Which oath or affirmation any two or more of the commis-
 sioners in the county, shire, stewartry, city, or place, where
 the affeffment is to be made, are hereby authorifed and required
 to administer; and if any person fo appointed, or to be ap-
 pointed, or hereby authorifed to act as affeffor, fhall prefume
 to act in the execution of the faid office or employment, before
 he fhall have taken the aforefaid oath or affirmation, as the cafe
 fhall be, he fhall forfeit and pay, for every fuch offence, the
 fum of twenty pounds.

Notice to be
 given in the
 precepts of
 the appoint-
 ment of af-
 fessors.

XIX. And be it further enacted, That the faid commis-
 sioners for executing this act fhall, in the precepts to be from
 time to time directed by them to the inhabitants of the parishes
 or places within their refpective diftricts or divifions, naming
 whom they fhall think fit to be affeffors under the faid acts, re-
 lative to the faid duties on houfes, and windows or lights, or
 any of them, caute notice to be inferted, that fuch perfons are
 alfo appointed affeffors of the faid recited duties upon carriages
 and horfes.

Affessors to
 give notice in
 writing to
 perfons keep-
 ing carriages,
 etc. to pro-
 duce lifts of
 the number
 kept by them
 within their
 diftricts, etc.

XX. And be it further enacted, That fuch perfons to be
 appointed affeffors as aforefaid, fhall, within fourteen days after
 fuch their appointment yearly, give or leave notice in writing,
 to or for every person keeping any carriage or horfe liable to the
 faid recited duties on carriages and horfes, or any of them,
 within the limits of the places for which fuch affeffors are to act,
 at his or her dwelling houfe, to prepare and produce, within
 the fpace of fourteen days next enfuing the day of giving fuch
 notice, one lift in writing of carriages, liable to the faid recited
 duties thereon, or any of them, kept by fuch person within fuch
 limits; the faid lift to describe the greateft number of fuch car-
 riages which fuch person fhall have kept at any one time in
 the courfe of the year, ending on the fifth day of April pre-
 ceding fuch notice; and to exprefs the denomination of each
 carriage, and its number of wheels, diftinguifhing which are
 kept for private ufe, and which for hire, and which are ufed as
 publick ftage coaches; and another lift in writing of the num-
 ber of horfes, liable to the faid duties on horfes, kept and ufed
 by him or her within fuch limits; every fuch written lift to
 contain the greateft number by him or her kept and ufed in
 the courfe of the year, ending on fuch preceding fifth day of
 April as aforefaid; and every fuch person fhall, after fuch no-
 tice fo given or left, make out the faid lifts, or one of them, as
 the cafe may require, accordingly, and fign the fame with his or
 her own hand, and deliver the fame, or caufe the fame to be
 delivered to fuch affeffor or affeffors, at any time alter the expira-
 tion of fourteen days from the faid notice being given, when he or
 they fhall call for the fame: and if any fuch person fhall neglect

or

or reſuſe to make out, ſign, and deliver ſuch liſts, or either of them, within the time before-mentioned, then ſuch aſſeſſor or aſſeſſors ſhall, from the beſt information he or they can obtain, make an aſſeſſment upon ſuch perſon, ſo reſuſing or neglecting, for or in reſpect of the number of carriages and horſes, liable to the ſaid recited duties, or any of them, ſo kept by him or her, diſtinguiſhing them in manner aforeſaid; and every ſuch aſſeſſment ſo made upon any ſuch neglect or reſuſal ſhall be final and concluſive upon the perſon thereby charged, who ſhall not be at liberty to appeal therefrom, unleſs ſuch perſon ſhall prove that he or ſhe was not at his or her dwelling houſe at the time of the delivery of ſuch notice, nor between that day and the time limited for delivering ſuch liſt as aforeſaid to the aſſeſſor; or unleſs ſuch perſon ſhall alledge and prove ſuch other excuſe for not having delivered his or her liſt or liſt, as the commiſſioners for executing this act ſhall, in their judgement, think reaſonable and ſufficient.

How aſſeſſor to proceed, in caſe ſuch liſts are not delivered.

XXI. Provided always, and be it further enacted, That the liſts, which ſhall be delivered, in manner herein-before mentioned, by order of the ſaid commiſſioners upon the firſt aſſeſſment to be made by virtue of this act, ſhall contain the greateſt number of ſuch carriages and horſes as aforeſaid, which the perſons from whom ſuch liſts are herein-before required ſhall reſpectively have at any time kept and uſed between the fifth day of July, one thouſand ſeven hundred and eighty-four, and the ſixth day of April, one thouſand ſeven hundred and eighty-five.

Liſts to contain the greateſt number of carriages and horſes kept during the time to which they relate.

XXII. And, to the end that no perſon may pay the ſaid recited duties for the ſame carriages or horſes in more pariſhes or diſtricts than one, within the ſame year, be it further enacted, That if any perſon, having been aſſeſſed under this act in one pariſh or diſtrict for his or her carriages or horſes within the ſame, ſhall be again aſſeſſed in another pariſh or diſtrict, for or in reſpect of the ſame carriages or horſes, or any of them, in every ſuch caſe, the commiſſioners for this act, within ſuch latter pariſh or diſtrict, or the majority of the ſaid commiſſioners preſent, on any application for the purpoſe, may and are hereby required to alter any aſſeſſment of ſuch perſon ſo aſſeſſed twice, on proof given before them that ſuch perſon hath paid the ſaid duties, for or in reſpect of the ſame carriages or horſes in another place, and in what place ſpecifically, or hath been aſſeſſed for the ſame; which proof ſhall be made, as to the fact of payment, by producing a receipt ſigned by the collector to whom the ſame payment ſhall have been made, or, in default thereof, by other reaſonable evidence, to the ſatisfaction of the ſaid commiſſioners for putting in execution this act, or the majority of them, before whom ſuch evidence ſhall be offered; and the aforeſaid proof, as to the fact of the party having been aſſeſſed elſewhere, ſhall be made in like manner, either by producing a copy or certificate of the aſſeſſment ſigned by two or more commiſſioners of the diſtrict for which ſuch aſſeſſment ſhall have been made, (which copy or certificate the clerk then attending

Commiſſioners, on application, to grant relief to perſons who have been aſſeſſed in different places for the ſame carriages or horſes.

the

the ſaid commissioners ſhall deliver *gratis* to the party requiring the ſame), or, in default of ſuch copy or certificate, then ſuch proof ſhall be made by other evidence, to the ſatisfaction of the commissioners preſent, or the majority of them.

Clause relative
to perſons
who pay for
carriages, etc.
in different
pariſhes.

XXIII. Provided always, and be it further enacted, That every perſon who ſhall be called upon by virtue of this act to give ſuch liſts or liſt as aforeſaid, ſhall, when he or ſhe ſhall give in ſuch liſts or liſt, at the ſame time return a liſt, or make a declaration, ſigned by him or her, of the number of ſuch carriages and horſes as aforeſaid reſpectively he or ſhe ſhall mean to pay for at every other place, ſpecifying the particular pariſh or pariſhes, or diſtrict or diſtricts, wherein he or ſhe ſhall mean to pay for ſuch other carriages and horſes reſpectively; and the ſaid aſſeſſors ſhall enter the liſt or declaration laſt mentioned at the end of their ſeveral aſſeſſments, and deliver them to the ſurveyor for each pariſh or diſtrict, in order that he may tranſmit the particulars thereof to the commissioners for managing the affairs of taxes.

In caſe the liſts
delivered to
the aſſeſſors
ſhall be found
deficient, they
may ſurcharge
the ſame.

XXIV. And be it further enacted, That ſuch aſſeſſors as aforeſaid ſhall not be bound by ſuch liſts as ſhall be delivered to them reſpectively, in purſuance of this act; but ſhall be at liberty, if they ſhall find, upon due examination, that any carriage or carriages, or horſe or horſes, is or are omitted in ſuch liſts, to ſurcharge the ſame, and make a true aſſeſſment upon every perſon keeping ſuch carriages or horſes within their reſpective diſtricts, of the real number of carriages or horſes kept by each ſuch perſon, diſtinguiſhing every ſuch carriage and horſe in manner herein-before directed.

Aſſeſſors to
deliver their
aſſeſſments to
the commiſſioners
within
3 months
after their
appointment.
Commiffioners
to ſign the
ſame, and ap-
point collec-
tors, etc.

XXV. And be it further enacted, That ſuch aſſeſſors as aforeſaid ſhall, from time to time, make and deliver in writing their aſſeſſments of the ſaid duties on coaches, carriages, and horſes, within the limits for which they are reſpectively to act as aforeſaid, unto the ſaid commissioners, for this act, or any two or more of them, within the ſpace of three calendar months next after the time of their being ſo appointed aſſeſſors; and the ſaid commissioners, to whom ſuch aſſeſſments ſhall be ſo delivered, or any two of them, ſhall, within the ſpace of one calendar month next after the receipt of the ſame reſpectively, or as ſoon after as conveniently may be, ſet their hands to the ſaid reſpective aſſeſſments, and to ſuch ſurcharge or ſurcharges as ſhall or may have been made in the mean time, either by the ſame aſſeſſors, or by ſuch ſurveyor or ſurveyors, inſpector or inſpectors as herein-after is or are mentioned, teſtifying their allowance of the ſame; and ſhall likewiſe nominate and appoint two of the perſons, named or preſented in each of ſuch aſſeſſments, to be collectors, or any other two ſuch perſons as the ſaid commissioners for putting in execution this act, ſhall think able and reſponſible for the reſpective diſviſions and places for which collectors ſhall be ſo preſented; and ſhall forthwith deliver, or cauſe to be delivered, ſuch aſſeſſments, ſo by the ſaid commissioners allowed of, unto the reſpective perſons

persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same; for whose paying unto the receiver-general, now or for the time being, appointed by his Majesty, or by the lord high treasurer for the time being, or the commissioners of the treasury for the time being, or any three or more of them, in the manner hereby directed, such money as they the said collectors shall be charged with under this act, the parish or place for which they are so employed shall be answerable.

XXVI. And be it further enacted, That every surveyor or inspector, appointed or to be appointed under or by virtue of the said several acts relative to the duties on houses, and windows or lights, shall be, and he is hereby empowered and authorized to inspect and examine any list or lists to be made out and signed by any such person keeping such carriages or horses as aforesaid, or any assessment or assessments for any parish or place, before the commissioners for putting in execution this act shall have signed and allowed the same, and to alter and amend any such list or lists, and assessment or assessments, if he or they shall see just cause for so doing; and every person in whose custody any such lists or assessments shall be, shall, and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to produce the same: and if any such surveyor or inspector shall, after any such list or lists, and assessment or assessments, shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his survey or examination, that any person who ought to be charged with the said recited duties on carriages and horses, or any of them, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or inspector shall certify the same in writing under his hand, together with an account of every carriage and horse omitted, and its proper description according to the directions aforesaid, by way of surcharge, to any two or more of the said commissioners for putting in execution this act, in order to have such omission or under-rate rectified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them.

If surveyors discover any omissions after the lists are signed, they are to certify the same to the commissioners, etc.

XXVII. And whereas some persons, liable to the said recited duties on carriages and horses, may neglect to deliver such lists and declarations as are herein-before required; be it further enacted, That where any person liable, under the directions herein-before contained, to deliver such lists or declarations as aforesaid to the assessor or assessors, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or declaration, to such assessor or assessors, he or she so refusing or neglecting shall, for every such offence, forfeit the sum of ten pounds.

Penalty on neglecting to deliver lists and declarations.

XXVIII. And, to the end that any persons keeping any carriages or horses liable to the aforesaid duties, or any of them, may deliver, or cause to be delivered, to the assessor or assessors, true lists and declarations

Persons to be doubly rated for those car-

riages, &c. they omit in their lists. One half of which surcharge to be allowed the assessor or surveyor making the same.

declarations of their respective carriages and horses; be it further enacted, That in all cases where any assessor, surveyor, or inspector, shall make a surcharge upon any person for or in respect of any carriage or horse omitted to be inserted in any such list or declaration as aforesaid, such surcharge shall be made after the rate of double the duty for every carriage or horse so omitted; and the assessor, surveyor, or inspector so making such surcharge, shall be, and is hereby intitled to, and shall have and receive for his own use, one moiety of the sum charged by every surcharge which shall be justly made upon any such list or declaration.

Inhabitant householders to deliver lists of lodgers who keep carriages, &c.

XXIX. And whereas difficulties may sometimes arise in discovering lodgers or inmates in any house, liable to pay the said recited duties on carriages and horses, be it therefore further enacted, That the inhabitant householder of any house, in which there shall be any lodger or inmate keeping any carriage or horse liable to the said duties, shall, within a week after a requisition by notice in writing left at any such house, from or by any assessor, surveyor, or inspector of the said duties on carriages and horses, deliver to, or leave for, such assessor, a list, in writing, of every lodger or inmate in such house who shall, at the time of delivering or leaving such list, keep any carriage or horse liable to the said duties, or shall have kept any such carriage or horse from the tenth day of *October*, one thousand seven hundred and eighty-four, on the said assessment under this act, and from the fifth day of *April* in each preceding year, on every future assessment; which list shall express the christian and surname of every such lodger or inmate, and shall contain an account of every such carriage, with such description as is herein-before required, and of every horse liable to the said duty, to the best of the knowledge and information of such inhabitant householder: and if any inhabitant householder shall refuse to deliver any such list, as herein-before mentioned, or shall wilfully omit or misrepresent any description which ought to be contained therein, he or she so offending shall, for every offence, forfeit ten pounds.

containing the names of the parties, etc.

on penalty of 10l.

Persons over-rated may appeal to the commissioners.

XXX. And be it further enacted, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated by any assessment, charge, or surcharge to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively to appeal to the said commissioners for putting in execution this act; and the said commissioners, or any two or more of them, shall, and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause, to the satisfaction of the commissioners for such omission, in manner herein-before mentioned; in which case it shall be lawful for the said commissioners to dismiss the appeal: provided that at the time of hearing the same appeal, a list shall

be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of carriages and horses, within the district or limits of the places where such appeal shall be made, subject to the laid recited duties, as shall have been kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such carriages and horses which shall have been so kept by him or her within the year preceeding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

XXXI. And be it further enacted, That the said commissioners, or any of them, shall not, upon the hearing any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good, and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessment or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days notice thereof to the said surveyor, or to one or more of the assessors of the parish or place wherein such person is rated, of such intention to appeal, and such surveyor and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor, and assessors, and appellant, shall have full power and free liberty to be present during all the time of hearing such respective appeals, and of the said commissioners determining the same: and the said commissioners are hereby authorized and impowered upon every such appeal, although they shall confirm the surcharge of such assessor, surveyor, or inspector, upon application of such appellant as aforesaid, to remit and strike off the penalty herein-before directed to be paid to such assessor, surveyor, or inspector surcharging such list, if they shall be of opinion that there was any doubt whether the carriage or horse so surcharged was rateable within the meaning of this act, and was not omitted by such appellant out of such list or lists, or declaration as aforesaid, with any intention to defraud the revenue.

XXXII. Provided always, and be it further enacted, That if on such examination on the hearing of such appeal, it shall appear to the said commissioners that such surcharge was falsely and

Appellant to deliver, on oath, and of the greatest number of carriages, &c. kept by him.

Commissioners not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated. Ten days notice to be given of appeal.

Commissioners, in certain cases, may remit the penalty before directed to be paid to the assessor, etc.

Penalty on surveyors, &c. for making a false surcharge.

and vexatiously made; then, and in ſuch caſe, ſuch ſurveyor, aſſeſſor, or inſpector ſo ſurcharging, ſhall forfeit and incur ſuch penalties and puniſhments as in and by the ſaid acts relative to the duties on houſes, and windows or lights, are directed to be inflicted on ſurveyors, inſpectors, or aſſeſſors, for neglect of duty.

Determina-
tion of com-
miſſioners to
be final;

except, etc.

Perſons diſſa-
tisfied may,
in England,
appeal to the
court of
king's bench;

and in Scot-
land, to the
court of ſeſ-
ſion, etc.

XXXIII. And be it further enacted, That all appeals once heard and determined by the ſaid commiſſioners, or any two or more of them, or the major part of them, then preſent, on the day or days by them appointed for hearing of appeals, ſhall be final, (except as herein-after excepted.)

XXXIV. And be it further enacted, That if either the ſaid ſurveyor or inſpector, or the perſon ſo appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor or inſpector, or perſon reſpectively, to require the ſaid commiſſioners to ſtate ſpecially, and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the ſaid commiſſioners, or the major part of them then preſent, are hereby required to ſtate and ſign ſuch caſe accordingly, and cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the juſtices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every ſuch juſtice and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto, according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of the appeal, ſhall be altered or confirmed: and if either the ſaid ſurveyor, or the perſon ſo appealing, in that part of *Great Britain* called *Scotland*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor, or perſon diſſatisfied reſpectively, to require the ſaid commiſſioners, or the major part of them then preſent, to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; which caſe the ſaid commiſſioners are hereby required to ſtate and ſign accordingly, and to cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto; according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of ſuch appeal, ſhall be altered or confirmed.

XXXV. Pro-

XXXV. Provided always, and be it further enacted, That, notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners shall stand with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case.

Proviso, relative to cases transmitted to the judges.

XXXVI. And be it further enacted, That every penalty or forfeiture which shall be incurred under this act of a greater sum than twenty pounds, shall be recovered in any of his Majesty's courts of record at Westminster, if the matter shall arise within England or Wales, or the town of Berwick upon Tweed; or in the court of session, court of judicatory, or court of exchequer in Scotland; if the matter shall arise in that part of the united kingdoms, by action of debt, bill, plaint, or information; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

Penalties exceeding 20l. where to be recovered.

XXXVII. And whereas it frequently happens, that persons occupying farms who keep horses for the purposes of husbandry only, and nevertheless ride one of such horses to or from market, or church, or other place of publick worship, but do not use them for the purpose of riding on any other occasion, and doubts have arisen whether such horses were subject to the duty imposed by the before recited act of the last session of parliament; be it therefore enacted, That the assessments which are to be made under the authority of this act, shall be made for all horses whatsoever belonging to any person within the kingdom of Great Britain, which shall, on any occasion, be used for the purpose of riding, or in drawing any carriage now or hereafter subject to any excise duty.

All horses used for riding, or in drawing coaches, &c. subject to the duty.

XXXVIII. Provided always, That upon any appeal to the acting commissioners in England, or the commissioners of supply in Scotland, from the assessment so made for such horse, and on proof, on oath made to the satisfaction of the said commissioners, that such horse, for which any person occupying a farm, not worth more than one hundred and fifty pounds a year to be let, shall have been so assessed, has been only used for the purpose of riding to and from market, or church, or other place of publick worship, and to no other place, or for no other purpose of riding, it shall and may be lawful for the said commissioners, and they are hereby required to make an abatement of the whole duty from the charge against the person to whom such horse shall belong.

Occupiers of land in certain cases, to be excused the duty for one year.

XXXIX. And be it further enacted, That, in all cases where the pecuniary penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewartry, division, city, liberty, town, or place, wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the

Penalties not exceeding 20l. recoverable before two justices;

and it is to be
levied by di-
ſtreſs.

oath of one or more credible witneſſes or witneſſes; and one moiety of ſuch laſt mentioned penalty ſhall belong to his Ma- jeſty, his heirs and ſucceſſors, and the other moiety to the in- former or informers proſecuting for the ſame; and in caſe of nonpayment, ſhall be levied by diſtreſs and ſale of the offen- der's goods and chattels, by warrant under the hands and ſeals of ſuch juſtices; and the overplus of the money raiſed, after deducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner; and, for want of ſufficient diſ- treſs, the offender ſhall be ſent by ſuch juſtices to the priſon of ſuch county, riding, ſhire, ſtewartry, city, liberty, town, or place, for ſuch time, not exceeding ſix months, nor leſs than one month, as ſuch juſtices ſhall think moſt proper.

Conſtables,
etc. to be aid-
ing in execut-
ing this act.

XI. And be it further enacted, That all conſtables and headboroughs, ſithingmen, and other his Maſteſty's officers, ſhall and are hereby required and enjoined to be reſpectively aid and aſſiſting in the execution of this act, and to obey and execute ſuch precepts or warrants as ſhall be to them di- rected in that behalf by the reſpective commiſſioners hereby appointed, or any of them.

Limitation of
actions.

XII. And be it further enacted, That all actions, ſuits, or informations, for any offence againſt this act, ſhall be brought within one year after the offence committed, and being brought after the time ſo limited, ſhall be void; and if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſe- cuted for any thing by him or them done or executed in pur- ſuance of this act, or of any claule, matter or thing, herein contained, ſuch perſon or perſons may plead the general iſſue, and give the ſpecial matter in evidence, for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or de- fendants, or the plaintiff or plaintiffs ſhall become nonſuited, then ſuch defendant or defendants ſhall have treble coſts award- ed to him or them againſt ſuch plaintiff or plaintiffs.

General iſſue.

Treble coſts.

C A P. XLVIII.

An act for granting to his Maſteſty certain ſtamp-duties on licences to be taken out by perſon uſing or exerciſing the trade or buſineſs of a pawnbroker.

Moſt gracious Sovereign,

Preamble.

WE, your Maſteſty's moſt dutiful and loyal ſubjects, the commons of Great Britain, in parliament aſſembled, to- wards raiſing the neceſſary ſupplies to defray your Maſteſty's publick expences, have reſolved to give and grant unto your Maſteſty the duties herein-after mentioned; and do moſt hum- bly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the au- thority

authority of the same, That, from and after the fifth day of July, From July 5, one thousand seven hundred and eighty-five, there shall be 1-85, the fol-
 raised, levied, collected, and paid, throughout the kingdom of lowing duties
Great Britain, unto and for the use of his Majesty, his heirs to be paid to
 and successors, the rates and duties following; (that is to say), his Majesty:
 all persons using or exercising the trade or business of a pawn-
 broker in *Great Britain*, shall annually take out a licence for
 that purpose in manner herein-after prescribed:

Where the person using or exercising the trade or business of By every
 a pawnbroker as aforesaid, shall reside within the cities of *Lon* p broker
don and *Westminster*, the parish of *Saint Mary l. lione*, and *Saint* taken in
Pancras, in the county of *Middlesex*, or within the distance o London or
 the bills of mortality, or within the borough of *Southwark* in West after,
 the county of *Surry*, there shall be charged a stamp-duty of ten &c. 10l. per
 pounds: ann.

And where the person using or exercising the trade or busi- and in any
 ness of a pawnbroker as aforesaid, shall reside in any other part other part of
 of *Great Britain*, there shall be charged a stamp-duty of five at Britain,
 pounds.

II. And be it further enacted, That, for the better and more Duties to be
 effectual levying and collecting the said duties herein before under the
 granted, the same shall be under the government, care, and managemnt
 and management of the commissioners for the time being appointed of commis-
 to manage the duties charged on stamped vellum, parchment, sioners of
 and paper; who, or the major part of them, are hereby re- stamps.
 quired and impowered to employ such officers under them for
 that purpose, and to allow such salaries and incidental charges
 as may be necessary; and to provide and use such stamps to
 denote the said duties as shall be requisite in that behalf; and
 to do all other things necessary to be done for putting this act
 into execution, with relation to the said rates and duties herein-
 before granted, in the like, and in as full and ample manner
 as they, or the major part of them, are or is authorized to put
 into execution any former law concerning stamped vellum, parch-
 ment, and paper.

III. And be it further enacted, That, from and after the Penalty on
 fifth day of July, one thousand seven hundred and eighty-five, pawnbrokers
 no person whatsoever required by this act to be licensed, shall, acting as such
 unless he or she be licensed in manner herein-after prescribed, without a pro-
 receive or take, by way of pawn, pledge, or exchange, of or per licence.
 from any person or persons whomsoever, any goods or chattels
 for the repayment of money lent thereon, in *Great Britain*, up-
 on pain to forfeit for every offence the sum of fifty pounds, to
 be recovered and applied as herein-after is directed.

IV. And be it further enacted, That, from and after the fifth Two commis-
 day of July, one thousand seven hundred and eighty-five, any sioners may
 two or more of his Majesty's commissioners appointed for ma- grant li-
 naging the duties arising by stamps on vellum, parchment, and cences.

Licences to
be renewed
annually.

paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to use or exercise the trade or business of a pawnbroker, as aforesaid, in any city, town, or other place within *Great Britain*, for the space of one year, to commence from the said fifth day of *July*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence: and all and every person and persons who shall take out such licence for using or exercising the said trade or business of a pawnbroker, shall take out another licence for another year, ten days at least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to use and exercise the said trade or business of a pawnbroker; and shall in like manner renew such licence from year to year, paying down the respective sums due for the stamps on such licence, so long as he or she shall continue to use or exercise the trade or business of a pawnbroker.

Who shall
be deemed
pawnbrokers.

V. And be it further enacted, That all persons who shall receive or take, by way of pawn, pledge, or exchange, of or from any person or persons whomsoever, any goods or chattels for the repayment of money lent thereon, shall respectively be deemed pawnbrokers within the intent and meaning of this act, and shall take out a licence for the same accordingly.

Not to extend
to persons
who lend
money at or
under 5 per
cent.

VI. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any person or persons who shall lend money upon pawn or pledge, at or under the rate of five pounds *per centum per annum* interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatever.

Not to keep
more than
one shop by
virtue of one
licence.

VII. And be it further enacted, That no pawnbroker, or other person receiving or taking, by way of pawn, pledge, or exchange, any goods or chattels for the repayment of money lent thereon, licensed or to be licensed by authority of this act, shall, by virtue of one licence, keep more than one house, shop, or other place, for taking in goods or chattels to pawn; but for each and every house, shop, or other place, which any person shall keep for the purposes aforesaid, a separate and distinct licence shall be taken out and paid for by such pawnbroker or other person.

Persons in
partnership
need take out
only one li-
cence.

VIII. Provided always, That persons in partnership, and carrying on the trade and business of a pawnbroker in one house, shop, or tenement only, shall not be obliged to take out more than one licence, in any one year, for the carrying on such trade or business.

Stamps may
be altered.

IX. And be it further enacted, That such stamps as the commissioners are hereby directed and authorised to provide and use, shall and may be altered and renewed in such manner as
any

Any other ſtamps on vellum, parchment, or paper, are, by any former law relating to ſtamped vellum, parchment, and paper, directed to be altered or renewed.

X. And be it further enacted, That if any perſon or perſons ſhall counterfeit or forge, or procure to be counterfeited or forged, any ſeal, ſtamp, or mark, directed or allowed to be uſed, or provided, made, or uſed in purſuance of this act, for the purpoſe of denoting the duties by this act granted, or either of them; or ſhall counterfeit or reſemble the impreſſion of the ſame upon any vellum, parchment, or paper, with an intent to defraud his Maſteſty, his heirs and ſucceſſors, of any of the ſaid duties; or ſhall utter, vend, or ſell, any vellum, parchment, or paper, with a counterfeit mark or ſtamp thereupon, knowing ſuch mark or ſtamp to be counterfeit; or if any perſon ſhall privately and fraudulently uſe any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, with intent to defraud his Maſteſty, his heirs or ſucceſſors, of any of the ſaid duties; then every ſuch perſon ſo offending, and being thereof conſicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony without benefit of clergy.

Penalty on counterfeit-
ing ſtamps,
etc.

XI. And be it further enacted by the authority aforeſaid, That all powers, provisions, articles, clauſes, penalties, diſtribution of penalties, and all other matters and things preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duties on vellum, parchment, and paper, ſhall be in full force and effect with relation to the duties hereby impoſed; and ſhall be applied and put in execution for the raiſing, levying, collecting, and ſecuring the ſaid rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Proviſions of
former acts
relating to
ſtamp-duties
to be applied
in execution
of this act.

XII. And be it further enacted, That all pecuniary penalties impoſed on any perſon or perſons for offences committed againſt this act, ſhall and may be ſued for and recovered in any of his Maſteſty's courts at *Weſtmiſter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Maſteſty's court of ſeſſions, court of juſticiary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed; and wherein the plaintiff, if he or ſhe ſhall recover any penalty or penalties, ſhall recover the ſame for his or her own uſe, with double coſts or ſuit.

Penalties how
to be reco-
vered.

XIII. And be it further enacted by the authority aforeſaid, That the ſeveral duties herein-before granted, ſhall be paid from time to time into the hands of the receiver general, for the time being, of the duties on ſtamped vellum, parchment, and paper, who ſhall keep a ſeparate and diſtinct account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges

Duties to be
paid into the
exchequer;

and entered
separate from
all other mo-
nies.

How to be
applied.

Defendants
may plead the
general issue,

and have
treble costs.

of raising, paying, and accounting for the same being deducted) into the receipt of his Majesty's exchequer, at such time, and in such manner, as the duties charged on stamped vellum, parchment and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordinance &c. &c.*)

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence, for his, her, or their defence; and upon the trial a verdict shall pass for the defendant or defendants or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

C A P. XLIX.

An act for granting to his Majesty certain duties upon licences to be taken out by coachmakers; and also certain duties upon carriages to be built for sale.

Most gracious Sovereign,

Preamble.

Every coach-
maker in
Great Britain
to take out a
licence

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant to your Majesty the several rates and duties upon licences to be taken out, in manner hereinafter mentioned, by every person carrying on the trade of a coachmaker; and upon coaches, or other carriages herein-after mentioned, newly built for sale; and we do hereby most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, every coachmaker within the kingdom of

Great

Great Britain shall yearly take out a licence in manner herein-after mentioned, and shall pay for the same to his Majesty, his heirs and successors, the sum of twenty shillings.

II. And be it further enacted, That, from and after the said fifth day of July, one thousand seven hundred and eighty-five, no person who now doth, or at any time hereafter shall, carry on the trade of a coachmaker within *Great Britain*, shall build, make, construct, or sell any coach, chaise, berlin, landau, charriot, calash with four wheels, chaise-marine with four wheels, or caravan, or by what name soever such carriages now are or hereafter may be called or known; or any calash, chaise, and chair, with two wheels, or by what name soever such carriages now are or hereafter may be called or known, or other carriage heretofore made subject to any duty of excise, until he or she shall have taken out such licence as above directed, for which licence he or she shall, immediately upon taking out thereof, pay down for the same the said sum of twenty shillings: and if any such licences shall be taken out within the limits of the chief office of excise in *London*, then such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise for the time being, or of such person or persons as the commissioners of excise shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *London*, or at such other place, and to such person or persons, as the said commissioners for the time being shall appoint; but if such licences shall be taken out in any part of *England* or *Wales* not within the said limits, or in the town of *Berwick upon Tweed*, such licences shall, in such case, be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the duties shall be paid for the same to the collectors of excise within whose collection such licences shall be granted respectively; and if such licences shall be taken out within the limits of the city of *Edinburgh*, such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise in *Scotland* for the time being, or of such person or persons as the commissioners of excise in *Scotland* shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *Edinburgh*, or at such other place, and to such person or persons, as the said commissioners of excise in *Scotland* shall appoint; but if such licences shall be taken out in any other part in *Scotland*, without the limits aforesaid, then such licences shall be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the several duties for the same shall be paid to the collector of excise within whose collection such licences shall be so granted; and such respective commissioners of excise, and the persons so to be appointed by them respectively, and also all such collectors, are hereby respectively authorised and required to grant and deliver such licences to the persons

From July 5^a 1785, no coach, chaise, etc. to be made, until the maker has taken out such licence.

Where licences are to be taken out, and duties paid, in *England* or *Wales*;

and where in *Scotland*.

ſons who ſhall apply for the ſame, upon their payment of the duties herein-before mentioned.

Licences to be renewed annually.

III. And be it further enacted, That all and every perſon and perſons who ſhall take out any ſuch licence as aforeſaid, is and are hereby required to take out a freſh licence, ten days at leaſt before the expiration of twelve calendar months after taking out the firſt licence, before he, ſhe, or they ſhall preſume to make, build, conſtruct, or ſell, any of the carriages before mentioned; and in the ſame manner to renew every ſuch licence from year to year, paying down the like ſum for each and every new or renewed licence as is by this act required for the firſt licence, in manner, and at the places and times herein-before mentioned; and if any ſuch perſon or perſons aforeſaid ſhall, after the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, preſume or other to make, build, conſtruct, or ſell any of the carriages herein-before mentioned, without firſt taking out ſuch licence, and renewing the ſame yearly, in manner aforeſaid, he, ſhe, or they ſhall reſpectively forfeit and loſe the ſum of ten pounds for each offence.

Penalty on making any coach, &c. without taking out a licence, and renewing the ſame yearly.

Perſons in partnership need not take out more than one licence for one houſe, &c.

IV. Provided always, and be it further enacted, That perſons in partnership, and carrying on their trade and buſineſs in one houſe or ſhop only, ſhall not be obliged to take out more than one licence in any one year for carrying on ſuch trade; and no one licence, which ſhall be granted by virtue of this act, ſhall authorize or empower any perſon or perſons, to whom the ſame ſhall be granted, to make, build, conſtruct, or ſell any of the carriages herein-before mentioned, in any other houſe or place than the houſes or places where he, ſhe, or they did make, build, or conſtruct the ſaid carriages at the time of granting ſuch licence.

Executors, &c. may act under licences of deceased perſons.

V. Provided alſo, and be it further enacted, That upon the death of any perſon ſo licenſed, it ſhall be lawful for the executors or adminiſtrators, or for the wife or child of ſuch deceased perſon, to carry on the ſaid trade of making, building, conſtructing, or ſelling ſuch carriages as aforeſaid, at the ſame place where ſuch deceased perſon, by virtue of ſuch licence, carried on ſuch trade, during the reſidue of the term for which ſuch licence was granted to ſuch deceased perſon, without taking out a new licence during the reſidue of the ſaid term.

A duty of ſixs. to be paid for every four-wheeled carriage made for ſale,

VI. And be it further enacted, That every coachmaker within the kingdom of *Great Britain* ſhall, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-five, pay to his Maſteſty, his heirs and ſucceſſors, a duty of twenty ſhillings for every coach, berlin, landau, chariot, caſaſſ with four wheels, chaise-marine, chaise with four wheels, or caravan, or by what name ſoever ſuch carriages now are or hereafter may be called or known; and the ſum of ten ſhillings for every caſaſſ, chaise, and chair with two wheels, or by what name ſoever ſuch carriages now are or hereafter may be called or known, which he, ſhe, or they ſhall make, build, or conſtruct for ſale,

and ten. for every two-wheeled one

VII. And, for better collecting, raising, levying, and ſecuring the duties by this act impoſed upon licences, and upon carriages newly built, made, or conſtructed, as aforeſaid, be it further enacted, That ſuch of the ſaid duties as are charged upon ſuch licences, and upon carriages newly built, made, conſtructed, and ſold in England, Wales, or the town of Berwick upon Tweed, ſhall be under the management of the commiſſioners and officers of his Majeſty's revenue of exciſe in England for the time being; and ſuch of the ſaid duties as are charged upon ſuch licences, and upon carriages newly built, made or conſtructed, and ſold in Scotland, ſhall be under the management of the commiſſioners and officers of exciſe in Scotland for the time being; who are hereby reſpectively empowered to appoint proper officers for charging, collecting, and receiving the ſame.

Duties to be under the management of the commiſſioners of exciſe in England and Scotland reſpectively.

VIII. And be it further enacted by the authority aforeſaid, That every coachmaker ſhall, once in ſix weeks, deliver a true account in writing of the number and kinds of ſuch carriages as aforeſaid, which he or ſhe ſhall have made, built, or conſtructed, and ſold, within ſix weeks, and of the days on which each carriage reſpectively was delivered or ſent out of his or her ſhop or warehouſe; and ſuch coachmaker, or his or her chief workman or manager, ſhall make oath (or, being a Quaker, affirmation) to the truth of ſuch account, according to the beſt of his knowledge and belief: and if ſuch carriage or carriages ſhall be made within the limits of the chief office of exciſe in London, then ſuch accounts, oaths, or affirmations, ſhall be delivered to, and adminiſtered by ſuch officer or officers as the commiſſioners of exciſe in England ſhall appoint, at the ſaid chief office of exciſe in London; and ſuch coachmaker ſhall then and there pay and clear off all the duties due for ſuch carriages as aforeſaid; and if ſuch carriage or carriages ſhall be made within the limits of the city of Edinburgh, then ſuch accounts, oaths, or affirmations, ſhall be delivered to, and adminiſtered by ſuch officer or officers as the commiſſioners of exciſe in Scotland ſhall appoint, at the chief office of exciſe at Edinburgh; and ſuch coachmaker ſhall then and there pay to ſuch officer all the duties due for ſuch carriages as aforeſaid; and if ſuch carriage or carriages ſhall be made at any other place in Great Britain, then ſuch accounts, oaths, or affirmations, ſhall be delivered to, and adminiſtered by the collector or ſuperviſor of exciſe of the diſtrict within which ſuch carriage or carriages ſhall be made, and ſuch coachmaker ſhall then and there pay to ſuch collector all the duties due for ſuch carriages as aforeſaid: and in caſe any coachmaker ſhall neglect to deliver in ſuch account, or to verify the ſame upon oath or affirmation as aforeſaid, or to pay down all the duties due for ſuch carriages as aforeſaid; every coachmaker ſo offending ſhall, for every ſuch offence, forfeit the ſum of twenty pounds.

Coachmakers, every ſix weeks, to deliver an account, on oath, of all carriages, made and ſold.

At what places ſuch accounts ſhall be delivered.

Penalty on default.

IX. And be it further enacted by the authority aforeſaid, That all proſecutions for the recovery of penalties and forfeitures incurred for offences committed againſt this act, ſhall and may be recovered.

Penalties how to be recovered.

Proſecutions within the limits of the exciſe office in London, to be determined by three commiſſioners, etc.

and in all other parts of Great Britain, ſhall be determined by two neighbouring juſtices.

Parties aggrieved may appeal to the quarter ſeſſions.

Upon conviction or parties accuſed, commiſſioners, etc. may iſſue out warrants of diſtreſs, etc.

may be heard, adjudged, and determined, either by bill, plea, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*, or in the court of exchequer in *Scotland*, if ſuch penalty or forfeiture ſhall be incurred there, or in ſuch manner and form as hereafter is directed; that is to ſay, all proſecutions for recovery of penalties and forfeitures incurred for offences committed againſt this act within the limits or jurisdiction of the chief office of exciſe in *London*, ſhall and may be heard, adjudged, and determined, by any three or more of the commiſſioners of exciſe in *England*, for the time being; and in caſe of appeal from the judgement of the ſaid commiſſioners, (and not otherwiſe), ſhall be heard, adjudged, and determined, by the commiſſioners for appeals for the time being, or the major part of them, whoſe judgement therein ſhall be final, and not liable to be removed by *certiorari* into any of the courts at *Weſtmiſter*; and all proſecutions for recovery of penalties and forfeitures incurred for offences committed within all or any other the counties, cities, ſtewartries, ſhires, towns, or places, within the kingdom of *Great Britain*, ſhall and may be heard, adjudged, and determined, by any two or more of the juſtices of the peace reſiding near to the place where ſuch offence ſhall be committed; and if either the informers or defendants ſhall think themſelves aggrieved by the judgement given by ſuch juſtices, it ſhall and may be lawful for every ſuch informer or defendant to appeal to the juſtices of the peace at the next quarter ſeſſions to be holden in and for the county, ſhire, ſtewartry, city, town, or place, where the penalty or forfeiture ſhall be incurred, who are hereby authorized and required to hear, adjuſe, and determine the ſame, and whoſe judgement therein ſhall be final, and not liable to be removed by *certiorari* into any of the courts at *Weſtmiſter*; and the ſaid commiſſioners for exciſe, and commiſſioners for appeals, (in caſe of appeals), and all juſtices of the peace aforeſaid reſpectively, are hereby authorized and required, upon complaint or information, upon oath, exhibited and brought before them reſpectively as aforeſaid, of the commiſſion of any offence againſt this act, (which oath the ſaid commiſſioners and juſtices of the peace reſpectively are hereby authorized to adminiſter), to ſummon the party or parties accuſed, and upon the appearance or contempt of any perſon or perſons ſo ſummoned, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confeſſion of the perſon or perſons ſo ſummoned, or by the oath of one or more credible witneſs or witneſſes, (which oath they the ſaid commiſſioners and juſtices reſpectively have hereby power to adminiſter), to give judgement or ſentence thereupon, and to award and iſſue out warrants, under their hands reſpectively, for the levying of ſuch penalties or forfeitures upon the goods and chattels of ſuch perſon or perſons, and to cauſe ſale to be made of ſuch goods and chattels, if they ſhall not be redeemed within fourteen days, rendering to ſuch perſon or perſons the overplus, (if any be); and for want of ſufficient diſtreſs,

to iſmriſon the party or parties offending, till ſatisfaction be made.

X. And be it further enacted by the authority aforeſaid, That all the money ariſing from the duties by this act granted upon licences, and upon carriages newly made, built, or conſtructed, as aforeſaid, (the neceſſary charges of raiſing and accounting for the ſame excepted), ſhall from time to time be paid into the receipt of his Maſeſty's exchequer at *Weſtmiſter*, ſeparate and apart from all other duties; and ſhall be appropriated and applied to the ſame uſes and purpoſes as the duties on coaches and other carriages, granted by an act made in the twentieth year of the reign of his late Maſeſty, and ſeveral ſubſequent acts, are applicable unto.

Duties to be paid into the exchequer.

Application thereof.

XI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons for any thing by him or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within three months next after the matter or thing done, and ſhall be laid in the proper county; and the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, at any trial to be had thereupon; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their action or proſecution, or judgement ſhall be given againſt him, her, or them, upon demurrer, or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt ſuch plaintiff or plaintiffs.

Limitation of actions.

General iſſue.

Treble coſts.

C A P. L.

An act for repealing an act, made in the twenty-fourth year of the reign of his preſent Maſeſty, intituled, An act for granting to his Maſeſty certain duties on certificates iſſued with reſpect to the killing of game; and for granting other duties in lieu thereof.

WHEREAS by an act, made in the twenty-fourth year of the reign of his preſent Maſeſty, intituled, An act for granting to his Maſeſty certain duties on certificates iſſued with reſpect to the killing of game, it was enacted, That, from and after the firſt day of October, one thouſand ſeven hundred and eighty-four, there ſhould be raiſed, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the uſe of his Maſeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay), That every perſon in Great Britain, qualified with reſpect to property to kill game, ſhould, previous to their ſhooting at, killing, or deſtroying any game, deliver in a paper or account in writing, containing the name and place of abode of ſuch perſon, if in England, unto the clerk of the peace of the county; and, if in Scotland, unto the ſheriff or ſtewart clerk of the county where ſuch perſon ſhould reſide,

Preamble.

Recital of ſaid Geo. 3. c. 43.

*side, and annually take out a certificate thereof; that upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any such person should be ingrossed, written, or printed, there should be charged a stamp-duty of two pounds two shillings: that every deputation or appointment of a gamekeeper, granted to any person by any lord or lady of a manor in England, should be registered with the clerk of the peace of the county; and every such deputation, by any proprietor of land in Scotland, should be registered in the sheriff or steward court book, of the county in which the said manor or lands should be, and the gamekeeper so appointed should annually take out a certificate thereof; that upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate, issued to any person under any deputation or appointment of gamekeeper, should be ingrossed, written, or printed, there should be charged a stamp-duty of ten shillings and sixpence: and whereas the payment of the said rates and duties has been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, thinking it will be for the advantage of the publick to repeal the present rates and duties, and to grant unto your Majesty the several rates and duties herein-after mentioned, to be applied to the uses and purposes unto which the said rates and duties granted by the above mentioned act, made in the twenty-fourth year of the reign of his present Majesty, are now applicable; do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and eighty-five, the rates and duties granted by an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game*, shall cease, determine, and be no longer paid or payable.*

The recited
act repealed

From July 1,
1785, the fol-
lowing duties
shall be paid
to his Ma-
jesty; viz.

No person to
destroy game,
until he has
delivered an
account of
his name and
place of
abode to the
clerk of the
peace, etc.
and taken a
certificate
thereof;

II. And be it further enacted by the authority aforesaid, That, from and after the first day of July, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; that is to say,

That every person in Great Britain who shall use any dog, gun, net, or other engine, for the taking or destruction of game (not acting as a gamekeeper under or by virtue of a deputation or appointment duly registered), shall previously deliver in a paper or account in writing, containing the name and place of abode of such person, to the clerk of the peace, or his deputy, or to the sheriff or steward clerk of the county, riding, shire, stewardry, or place where such person shall reside, and annually take out a certificate thereof:

That

• That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any such person shall be engrossed, written, or printed, there shall be charged a stamp-duty of two pounds, two shillings: for which he shall pay annually a stamp-duty of 2l. 2s.

That every deputation or appointment of a gamekeeper, granted to any person by any lord or lady of a manor in *England*, or the dominion of *Wales*, shall be registered with the clerk of the peace of the county, riding, or place; and every such deputation or appointment, by any proprietor of land in *Scotland*, shall be registered with the sheriff or steward clerk of the county, stewartry, or place in which the said manor or lands respectively lie, and the gamekeeper so appointed shall annually take out a certificate thereof: Deputations of gamekeepers to be registered with the clerk of the peace, &c.

That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any person under any deputation or appointment of gamekeeper, shall be engrossed, written, or printed, there shall be charged a stamp-duty of ten shillings and sixpence. a certificate whereof shall be taken out annually, charged with a 10s. 6d. stamp.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying, collecting, and paying the said duty herein-before granted, the same shall be under the government, care, and management of the commissioners, for the time being, appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ the necessary officers under them for that purpose, and to allow such salaries and incidental charges as shall be necessary, and to cause such new stamps to be provided to denote the said duty as shall be requisite in that behalf, and to repair, renew, and alter the same from time to time as there shall be occasion, and do all other things necessary to be done for putting this act in execution, with relation to the said duties herein-before granted, in the like, and in as full and ample a manner as they, or the major part of them, are authorised to put in execution any former law concerning stamped vellum, parchment, and paper. The duty to be under the management of the commissioners of stamp duties.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, every person delivering into the office of the clerk of the peace, or his deputy, for the county, riding, or place, or if in *Scotland*, into the office of the sheriff or steward clerk of the county, shire, stewartry, or place where he shall reside, a paper or account in writing, containing the name and place of abode of such person; and every gamekeeper, to whom any such deputation or appointment shall be granted as aforesaid, registering the same in manner aforesaid, and respectively requiring a certificate thereon, shall be annually intitled thereto; and such clerk of the peace, or his deputy, and such sheriff or steward clerk, shall thereupon issue a certificate, stamped Every person who shall deliver as aforesaid an account of his name, and place of abode; and every gamekeeper who shall register his deputation, &c. shall be annually intitled to a

certificate
thereon.

as herein-before is directed, to the effect or form following;
that is to say,

Form of cer-
tificate.

I A. B. clerk of the peace for the county of C. [or, as the case may happen to be], deputy clerk of the peace; or, if in Scotland, I A. B. sheriff or steward clerk of the county of C. do hereby declare, That E. F. hath this day delivered into my office a paper, writing or account, containing his name and place of abode [or, as the case may happen to be], hath this day registered a deputation, whereby he is appointed a gamekeeper by _____ for the manor or lands of _____ which I do hereby certify, in pursuance of an act of parliament, passed in the twenty-fifth year of King George the Third, intituled, An act for repealing an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, "An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game;" and for granting other duties in lieu thereof.

Clerk of the
peace, &c. to
sign and de-
liver certi-
ficates to such
persons re-
quiring the
same.

V. And be it further enacted by the authority aforesaid, That the said clerk of the peace, or his deputy, or the said sheriff or steward clerk, after he shall have signed such certificate, shall forthwith issue the same, stamped as herein-before is directed, to the person or persons respectively requiring the same in manner aforesaid; and shall, previous to the delivery thereof, be intituled to demand and receive of and from such person the sum of one shilling for his own trouble in that behalf: and in case any such clerk of the peace, or his deputy, or any sheriff or steward clerk, shall neglect or refuse to issue to such person or persons as aforesaid, so delivering in such paper or account in writing, or registering such deputation as aforesaid, a certificate properly marked and stamped as herein before is directed, every such clerk of the peace, or sheriff or steward clerk, shall, for every such offence, forfeit and pay the sum of twenty pounds, and moreover be liable to pay to his Majesty, his heirs and successors, the duty payable on such certificate.

Defaulters
herein shall
forfeit 10l.
for each of-
fence.

Certificates
when to be
dated and
issued.
Clerk of the
peace, &c.
who shall issue
any certificate
contrary to
this act, shall
forfeit 10l.

VI. And be it enacted by the authority aforesaid, That every certificate issued by the clerk of the peace, or his deputy, or by the sheriff or steward clerk, pursuant to this act, shall bear date on the day of the month on which the same shall be issued, and shall endure and remain in force from thence until the first day of July next following the date thereof, and no longer; and if any clerk of the peace, or his deputy, or sheriff or steward clerk, shall issue any certificate to any person otherwise than above directed, he shall forfeit and pay the sum of twenty pounds.

Certificates
issued after
Feb. 28, 1785,
to continue in
force until
July 1, 1786.

VII. Provided always, and be it further enacted by the authority aforesaid, That all certificates which shall have issued on or after the first day of March, one thousand seven hundred and eighty-five, in pursuance of the said herein-before recited act, shall endure and remain in full force for and during the time for which the same were granted, and until the first day of July, one thousand seven hundred and eighty-six.

VIII. And

VIII. And be it further enacted by the authority aforeſaid, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, if any perſon or perſons ſhall uſe any greyhound, hound, pointer, ſetting dog, ſpaniel, or other dog, or any gun, net, or other engine, for the taking or deſtruction of any hare, pheasant, partridge, heath fowl, commonly called *Black Game*, or growſe, commonly called *Red Game*, or any other game whatſoever, without having obtained ſuch certificate, in ſuch manner as herein before is directed, every ſuch perſon or perſons ſhall forfeit and pay the ſum of twenty pounds, to be recovered and applied as herein-after mentioned.

Every perſon who, after July 1, 1785, ſhall ſhoot at, or kill, any game, without a certificate, ſhall forfeit 20l.

IX. And be it further enacted by the authority aforeſaid, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, if any perſon to whom any deputation or appointment of a gamekeeper ſhall have been, or at any time thereafter ſhall be, granted by any lord or lady of a manor in *England*, or the dominion of *Wales*, or by any proprietor of land in *Scotland*, ſhall, for the ſpace of twenty days next after the ſaid firſt day of *July*, one thouſand ſeven hundred and eighty-five, or for the ſpace of twenty days next after ſuch deputation or appointment ſhall thereafter be firſt granted, neglect or reſuſe to register the ſame, and take out a certificate thereon, in the manner herein before directed, every ſuch perſon, not having obtained ſome certificate as aforeſaid, in purſuance of this act, ſhall forfeit and pay the ſum of twenty pounds, to be recovered and applied as herein-after mentioned.

Penalty on gamekeepers neglecting to register their deputations, and to take out certificates.

X. Provided always, and be it further enacted by the authority aforeſaid, That nothing herein contained ſhall make it neceſſary for any of the royal family to take out any ſuch certificate as aforeſaid, or ſhall reſtrain any perſon or perſons appointed or deputed by them, or any of them, from the uſing any dog, gun, net, or other engine, for the taking or deſtruction of game within the foreſts, chaces, parks, warrens, or other royalties to them reſpectively belonging or appertaining.

Not to extend to the royal family, &c.

XI. And be it further enacted by the authority aforeſaid, That the clerks of the peace, or their deputies, or the ſheriff or ſtewart clerks in their reſpective counties, ridings, ſhires, ſtewartries, or places, ſhall, on or before the firſt day of *November*, one thouſand ſeven hundred and eighty-five, or ſooner, if thereunto required by the commiſſioners of his Maſteſty's ſtamp-dues, tranſmit to the head office of ſtamps in *London*, a correct liſt, in alphabetical order, of the certificates by them iſſued between the twenty-fifth day of *March*, in the year one thouſand ſeven hundred and eighty-five, and the firſt day of *October*, in the ſame year; and ſhall alſo, in every ſubſequent year, on or before the firſt day of *Auguſt*, in each ſuch year, whenever they ſhall be thereunto required by the commiſſioners of his Maſteſty's ſtamp-dues, make out and tranſmit to the head office of ſtamps in *London*, correct liſts, in alphabetical order, of the certificates ſo iſſued by them, diſtinguiſhing the duties paid on each reſpective certificate ſo iſſued; and on the delivery thereof,

Clerks of the peace, &c. to tranſmit annually to the ſtamp-office correct liſts of certificates granted by them;

on penalty of
20l.

thereof, the receiver general of the ſtamp-dues ſhall pay to every ſuch clerk of the peace, or his deputy, or to every ſuch ſheriff or ſtewart clerk, for the making out and writing any ſuch liſt, after the rate of one halfpenny for the name of every ſuch perſon to whom ſuch certificate ſhall have been iſſued, and which ſhall be inſerted in ſuch liſt; and in caſe any clerk of the peace, or his deputy, or any ſheriff or ſtewart clerk, ſhall neglect or reſuſe to make out ſuch liſts as aforeſaid, or ſhall not inſert in ſuch liſt a full, true, and perfect account, as herein-before directed, of all the perſons the ſame ought to contain; then, and in every ſuch caſe, every ſuch clerk of the peace, or his deputy, and ſheriff or ſtewart clerk, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds.

Liſts to be
kept at the
office, and
may be in-
ſpected.

XII. And be it further enacted by the authority aforeſaid, That all the ſaid ſeveral liſts, upon ſuch tranſmiſſion thereof as aforeſaid, ſhall be depoſited and kept at the ſaid head office of ſtamps in London, and ſhall and may, within the office hours, be reſorted to and inſpected by any perſon whatſoever, on payment of one ſhilling, and no more.

Liſts to be
inſerted in
newſpapers.

XIII. And be it further enacted, That the commiſſioners of his Maſteſty's ſtamp-dues ſhall, once or oftener in every year, as ſoon as conveniently may be after the ſaid liſts ſhall have been ſo tranſmitted to them as aforeſaid, cauſe the ſame to be inſerted in the newſpapers circulating in each reſpective county, or in ſuch publick newſpaper as to them ſhall ſeem moſt proper.

In caſe of any
new appoint-
ment of a
gamekeeper,
etc. the for-
mer certiſi-
cate to be
void.

XIV. And whereas deputations or appointments of gamekeepers, granted as before, may be revoked, be it therefore enacted, That if any lord or lady of a manor in England or Wales, or proprietor of land in Scotland, ſhall make any new deputation or appointment of a gamekeeper for any manor or lands in the room of the perſon already appointed, and to whom any ſuch certificate as aforeſaid hath been iſſued, and ſhall register ſuch new deputation or appointment with the clerk of the peace, or his deputy, or ſheriff or ſtewart clerk of the county, riding, ſhire, ſtewartry, or place, in which the manor or lands ſhall be ſituate, and ſhall obtain a new certificate thereon, the fiſt certificate granted ſhall be, and the ſame is hereby declared to be null and void; and the perſon acting under the ſame, after notice to him given of ſuch new and other certificate, ſhall be liable to the penalties preſcribed by this act, in the ſame manner as if no certificate had been granted to ſuch perſon.

Any perſon
in purſuit
of game, who
ſhall reſuſe to
produce his
certificate.

XV. And, in order to prevent the evading the payment of the duties hereby granted, and to facilitate the detection of offenders againſt this act, by compelling the production of the ſaid certificates to perſons authorized to demand inſpection of the ſame; be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall be found uſing any dog, gun, net, or other engine, for the taking or deſtruction of game, by any other perſon who hath obtained a certificate in the manner herein-before directed, it ſhall and may be lawful for ſuch other perſon, producing ſuch

certificate, to demand and require from the person so using such dog, gun, net, or other engine as aforesaid, to produce and shew a certificate issued to him for that purpose as herein-before is directed; and every such person shall, upon such demand and requisition as aforesaid, produce such certificate to the person so demanding the same, and permit the same to be inspected accordingly; and if any such person shall wilfully refuse to produce and shew a certificate issued to him for that purpose, or, not having produced and shewn such certificate, shall refuse, on demand thereof, to give in his christian and surname, and the place of his residence, or shall give in any false or fictitious name or place of residence, every such person so offending shall forfeit and pay the sum of fifty pounds,

when required by any authorised person to do,

or to tell his name, and place of abode, etc. shall forfeit 50l.

XVI. And be it further enacted by the authority aforesaid, That the certificate hereby directed to be issued by the clerks of the peace, or their deputies, in the respective counties, ridings, or places in *England*, or by the sheriff or steward clerks of the counties, thires, stewartries, or places in *Scotland*, shall not authorise or enable any person to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, at any time or times, or in any manner prohibited by any law now in being; nor shall give to any person any right to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, unless such person shall be duly qualified so to do, under and by virtue of the laws now in being made for the preservation of the game, but shall be liable to the same penalties in all or any of the said laws contained, as if this act had not been made.

Certificates not to authorise any person to kill game at any time prohibited by law, etc.

XVII. And be it further enacted by the authority aforesaid, That no certificate, obtained under any deputation or appointment of a gamekeeper, shall be pleaded or given in evidence in any case whatsoever, where the person having such certificate shall have used or shall use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, out of or beyond the precincts or limits of the manor or lands for or in respect of which such deputation or appointment was given and made.

Certificates obtained under deputations not to be given in evidence for killing game out of the manor, etc.

XVIII. *And whereas there are several cities and towns that are counties of themselves, and have no clerks of the peace to issue the certificates herein-before directed;* be it therefore enacted by the authority aforesaid, That every person residing in such cities and towns that are counties, shall and may deliver in the paper or account in writing, herein-before directed, to the office of the clerk of the peace, or his deputy, of any county, riding, or place adjoining to such city or town, who is hereby directed and required to issue his certificate to the person applying for the same, as is herein-before directed, in the same manner as if the person so requiring such certificate resided in the county of such clerk of the peace; and upon neglect or refusal to issue such cer-

Clause relative to those counties that have no clerks of the peace.

tificate as aforesaid, such clerk of the peace shall be liable to the same penalties as if he had refused or neglected to issue such certificate to any person applying for the same, resident in the county of such clerk of the peace.

Persons counterfeiting stamps to suffer death as felons. XIX. And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used by this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs, and successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; every person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Provisions of former acts relating to stamp-duties, to be in force in executing this act.

XX. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be in full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Penalties how to be recovered and applied.

XXI. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majesty's court of sessions, court of justiciary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with costs of suit.

Any justice of the county, in all offences against this act where the penalty doth not exceed 20l. any sum more the par-

XXII. Provided always, That, from and after the said first day of *July*, one thousand seven hundred and eighty-five, it shall and may be lawful for any one or more justice or justices of the peace of the county, riding, shire, stewartry, division, city, liberty, or place, wherein any offence or offences against this act shall be committed; and such justice or justices is and are hereby required, upon information or complaint to him or them made,

made, to ſummon the party or parties accuſed, and alſo the witneſſes on either ſide, to appear before him or them; and upon the appearance of the party or parties accuſed, or in default of his, her, or their appearance according to ſuch ſummons, to proceed to hear and determine the matter in a ſummary way; and upon due proof made thereof, either by the voluntary confeſſion of the party or parties accuſed, or by the oath of one or more credible witneſſes or witneſſes, to give judgement or ſentence for the penalty or forfeiture, according as in and by this act is directed; and to award and iſſue out his warrants under his hand and ſeal, for the levying any pecuniary penalties and forfeitures to be adjudged on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within fix days, rendering to the party the overplus, if any; and where ſufficient goods of ſuch offender cannot be found to anſwer the penalty, to commit ſuch offender to the common gaol, or houſe of correction, there to remain for the ſpace of fix months, unleſs ſuch penalty ſhall be ſooner paid and ſatisfied; and if ſuch perſon or perſons ſhall find himſelf or themſelves aggrieved by the judgement of any ſuch juſtice, then he or they ſhall and may, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgement ſhall be affirmed, appeal to the juſtices of the peace at the next general quarter ſeſſions for the county, riding, or place, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay coſts occaſioned by ſuch appeal, as to themſelves ſhall ſeem meet.

ties before him, and determine in a ſummary way.

Penalties may be levied by diſt.

or the offender.

Perſons aggrieved may appeal to the quarter ſeſſions, upon giving proper ſecurity.

XXIII. And be it enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes, to give evidence before ſuch juſtice or juſtices of the peace, touching any of the matters relative to this act, either on the part of the proſecutor, or of the perſon or perſons accuſed, and ſhall neglect or reſuſe to appear, at the time and place to be for that purpoſe appointed, without a reaſonable excuſe for ſuch his, her, or their neglect or reſuſal, to be allowed of by ſuch juſtice or juſtices of the peace before whom the proſecution ſhall be depending, that then every ſuch perſon ſhall forfeit, for every ſuch offence, the ſum of ten pounds, to be levied and paid in ſuch manner and by ſuch means as is herein-before directed as to other penalties.

Perſons ſummoned as witneſſes, and not appearing, to forfeit 10l.

XXIV. And be it further enacted by the authority aforeſaid, That the juſtice or juſtices of the peace before whom any offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid conviction to be made out in the manner and form following, or in any other form of words to the ſame effect, *mutatis mutandis*; that is to ſay:

How juſtices to proceed for conviction of offenders.

Form of con-
viction.

BE it remembered, That on the _____ day of _____
in the year of our Lord _____ at _____
in the county of _____ A. B. came before me C. D. one of
his Majesty's justices of the peace for the said county, residing near
the place where the offence was committed, and informed me that
E. F. of _____ on the _____ day of _____ ~~past~~ last
past, did use a gun, dog, net, or other engine, (as the case may be),
for the taking or destruction of game, and did thereby and therewith
take, kill, and destroy, a hare, or other game, (as the case may be),
[here set forth the fact for which the information was laid],
without having the certificate required by law for that purpose;
whereupon the said E. F. after being duly summoned to answer the
said charge, appeared before me, and having heard the charge con-
tained in the said information declared he was not guilty of the said
offence; (or, as the case may happen to be), did not appear before
me pursuant to the said summons, (or did neglect and refuse to make
any defence against the said charge, but the same being fully proved
upon the oath of G. H. a credible witness, (or as the case may hap-
pen to be), acknowledged and voluntarily confessed the same to be
true: and it manifestly appearing to me that he the said E. F. is
guilty of the said offence charged upon him in the said information; I do
therefore hereby convict him of the offence aforesaid, and do declare and
adjudge that he, the said E. F. hath forfeited the sum of
of lawful money of Great Britain, for the offences aforesaid, accord-
ing to the form of the statute in that case made and provided.

Given under my hand and seal, the _____ day of _____

Justice may
mitigate pen-
alties.

XXV. Provided nevertheless, That it shall and may be lawful
to and for the said justice or justices, where he or they shall see
cause, to mitigate and lessen any such penalties as he or they
shall think fit, reasonable costs and charges of the officers and
informers, as well in making the discovery as in prosecuting the
same, being always allowed over and above such mitigated pen-
alty, and so as such mitigation do not reduce the penalties to
less than a moiety of the penalties incurred, over and above the
said costs and charges, any thing herein contained to the con-
trary notwithstanding; and no such conviction shall be remove-
able by *certiorari* into any court whatsoever.

No offender
against this
act to be im-
prisoned more
than three
months.

XXVI. Provided always, and be it enacted, That nothing
in this act contained shall extend, or be construed to extend,
to subject any person or persons whatsoever to a longer impris-
onment than three calendar months, for nonpayment of any
fine or penalty to be imposed under the authority of this act.

Duties to be
paid to the
receiver ge-
neral of the
stamp-duties,
and by him
paid into the
exchequer.

XXVII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid,
from time to time, into the hands of the receiver general for the
time being of the duties on stamped vellum, parchment, and
paper, who shall keep a separate and distinct account of the se-
veral rates and duties, and pay the same (the necessary charges
of raising, paying, and accounting for the same, being deducted)
into

into the receipt of the exchequer, at such time and in such manner as the duties charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money to be paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of the last session of parliament, intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery.*

Auditor to provide a book for entering the duties separate from all others. Application thereof.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue,

and recover treble costs.

C A P. LI.

An act for repealing the duties on licences taken cut by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post, and by time, and on stage coaches; and for granting other duties in lieu thereof; and also additional duties on horses let to hire for travelling post, and by time.

WHEREAS by an act, made in the twentieth year of the reign of his present Majesty, (intituled, *An act for repealing an act, made in the nineteenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences to be taken cut by all persons letting horses to hire, for travelling in the manner therein mentioned; and certain duties on all horses let to hire for the purposes of travelling post, and by time; and upon certain carriages therein mentioned; and for granting other duties in lieu thereof; it was enacted, That, from and after the first day of August, one thousand seven hundred and eighty, there should be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,) That every postmaster, innkeeper, or other person in Great Britain, who should let to hire any horse for the purpose of travelling post by the mile, or from stage to stage, or being a person usually letting horses to hire, should let to hire for a day, or any less per-*

Preamble.

Recital of 20 Geo. 3 c. 51.

riod of time, any horse for drawing any coach or other carriage, used in travelling post or otherwise, for or in respect whereof any rate or duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; That for and in respect of every horse hired by the mile or stage, to be used in travelling post in Great Britain, there should be charged a duty of one penny for every mile such horse should be hired to travel post; and that for and in respect of every horse hired for a day, or any less period of time, for drawing on a post or other publick road, any coach or other carriage, used in travelling post, or otherwise, in respect whereof any duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, there should be charged, if the distance should be then ascertained, the sum of one penny per mile; and if the distance should not then be ascertained, there should be charged the sum of one shilling and sixpence for and in respect of each horse so hired; such duty to be paid by the person or persons by whom such horse should be so hired: That every person who should keep any coach or other carriage, by what name soever the same then was called, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from different places in the kingdom of Great Britain, should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; and that every coach or other carriage, by what name soever called or known, to be employed as publick stage coaches, for the purpose of conveying passengers for hire to and from different places in the kingdom of Great Britain, should be, and the same were thereby charged with a duty of one halfpenny for every mile such carriage should travel, to be paid by the owner or owners thereof respectively: and whereas, by an act made in the twenty-third

53 Geo 3. c. 63. year of the reign of his present Majesty, (intituled, An act for granting to his Majesty an additional duty upon stage coaches, and other carriages therein mentioned,) it was enacted, That, from and after the first day of August, one thousand seven hundred and eighty-three, there should be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, upon every coach or other machine, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from one place to another in the kingdom of Great Britain, an additional duty of one halfpenny for every mile such carriage should travel, to be paid by the owners thereof: and whereas the payment of the said rates and duties have been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do therefore think that it will be for the advantage of the publick to repeal the present rates and duties, and to grant unto your Majesty other rates and duties in lieu thereof, and also additional duties on horses let to hire for the purpose of travelling post, and by time; and do most humbly beseech your Majesty that it may be enacted;

acted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, the rates and duties granted by an act, made in the twentieth year of the reign of his preſent Majeſty, intituled, *An act for repealing an act, made in the nineteenth year of the reign of his preſent Majeſty, intituled, An act for granting to his Majeſty certain duties on licences, to be taken out by all perſons letting horſes to hire, for travelling in the manner therein mentioned; and certain duties on all horſes let to hire for the purpoſes of travelling poſt, and by time; and upon certain carriages therein mentioned; and for granting other duties in lieu thereof;* and alſo the additional rate and duty granted by an act, made in the twenty-third year of the reign of his preſent Majeſty, (intituled, *An act for granting to his Majeſty an additional duty upon ſtage coaches, and other carriages therein mentioned,*) ſhall ceaſe, determine, and be no longer paid and payable; except only ſuch monies as ſhall have been received, or ſhall be payable by the ſeveral poſtmaſters, innkeepers, and other perſons, for and on account of the ſaid rates and duties, at any time on or before the ſaid firſt day of *Auguſt*, and which be unaccounted for and unpaid by them to the ſeveral collectors appointed by virtue of the acts to receive the ſame.

From Aug. 1,
1785, the rates
granted by
20 Geo. 3. c.
51.

and 23 Geo.
3. c. 63.
repealed.

II. Provided always, and it is hereby enacted and declared, That the ſeveral bonds, given in purſuance of the ſaid acts, or either of them, ſhall continue and be of full force and effect, with reſpect to all duties due and owing by virtue of the ſaid recited acts, and alſo with reſpect to the ſeveral duties by this act granted, and all matters and things therein contained.

Bonds given
in purſuance
of the ſaid
acts,

III. And it is hereby further enacted and declared, That the ſeveral licences granted in purſuance of the ſaid acts, ſhall continue in full force and effect, for and during the periods for which the ſame have been reſpectively granted; and that the ſeveral appointments made by the commiſſioners of ſtamps to the ſeveral perſons appointed collectors of the ſaid duties, ſhall remain and continue in full force, until revoked by the ſaid commiſſioners.

and licences
granted, etc.
to continue in
force.

IV. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay,)

New duties.

That every poſtmaſter, innkeeper, or other perſon in *Great Britain*, who ſhall let to hire any horſe for the purpoſe of travelling poſt by the mile, or from ſtage to ſtage, or being a perſon uſually letting horſes to hire, ſhall let to hire for a day, or any leſs period of time, any horſe for drawing any coach or other carriage uſed in travelling poſt, or otherwiſe, by whatſo-

Every poſt-
maſter, etc.
who ſhall let
horſes to hire
for travelling
poſt, for an
annual li-
cence, &c.

ever name ſuch carriages now are or hereafter may be called or known, for or in reſpect whereof any rates or duties, now or heretofore under the management of the commiſſioners of exciſe, are or have been made payable by any ſtatute or ſtatutes now in force, ſhall yield and pay annually unto his Maſteſty, his heirs and ſucceſſors, the ſum of five ſhillings for a licence for that purpoſe :

Every perſon hiring horſes to travel poſt to pay, for each horſe, 1 d. halfpenny per mile;

That for and in reſpect of every horſe hired by the mile or ſtage, to be uſed in travelling poſt in *Great Britain*, there ſhall be charged a duty of one penny halfpenny for every mile ſuch horſe ſhall be hired to travel poſt :

or 1 s. 9 d. per day, where the diſtance ſhall not be aſcertained :

And that for and in reſpect of every horſe hired for a day, or any leſs period of time, for drawing on any publick road any coach or other carriage uſed in travelling poſt, or otherwiſe, by whatſoever name ſuch carriages now are or hereafter may be called or known, for or in reſpect whereof any rates or duties, now or heretofore under the management of the commiſſioners of exciſe, are or have been made payable by any ſtatute or ſtatutes now in force, there ſhall be charged, if the diſtance ſhall be then aſcertained, the ſum of one penny halfpenny per mile; and if the diſtance ſhall not then be aſcertained, there ſhall be charged the ſum of one ſhilling and nine-pence for and in reſpect of each horſe ſo hired; ſuch duty to be paid by the perſon or perſons by whom ſuch horſe ſhall be ſo hired :

Every perſon keeping a diligence, poſt-coach, or other four-wheeled carriage, for carrying only four inſide paſſengers, for hire, or any ſtage-coach, etc. ſhall pay annually 5 s. for a licence;

That every perſon who ſhall keep any coach, berlin, landau, chariot, calaſh, chaiſe-maine, chaiſe, diligence, or other carriage with four wheels, or any calaſh, chair, chum, or other carriage with two wheels, by what name ſoever the ſame now is or hereafter ſhall be called or known, to be employed as publick ſtage coaches or carriages, for the purpoſe of conveying paſſengers for hire to and from different places in the kingdom of *Great Britain*, ſhall yield and pay annually unto his Maſteſty, his heirs and ſucceſſors, the ſum of five ſhillings for a licence for that purpoſe :

and ſhall alſo pay 1 d. for every mile ſuch carriage ſhall travel.

And that every coach, berlin, landau, chariot, calaſh, chaiſe-maine, chaiſe, diligence, or other carriage with four-wheels, or any calaſh, chaiſe, chair, or other carriage with two wheels, by what name ſoever the ſame now is or hereafter ſhall be called or known, to be employed as publick ſtage coaches or carriages, for the purpoſe of conveying paſſengers for hire, to and from different places in the kingdom of *Great Britain*, ſhall be, and the ſame is hereby charged with a duty of one penny for every mile ſuch carriage or carriages as aforeſaid ſhall travel, to be paid by the owner or owners thereof reſpectively.

The ſaid duties to be under the management of the commiſſioners of ſtamped vellum, parchment, and paper;

V. And, for the better and more effectual raiſing, levying, collecting, and paying the ſaid rates and duties herein-before granted, the ſame ſhall be under the government, care, and management of the commiſſioners for the time being appointed to manage the duties payable to his Maſteſty, his heirs, and ſucceſſors, and charged on ſtamped vellum, parchment, and paper;

paper; who, or the major part of them, are hereby required and impowered to appoint and employ fuch officers under them for that purpofe, and to allow fuch falaries and incidental charges as fhall be neceffary, and to provide and ufe fuch marks or ftamps as they fhall think fit; and to repair, renew, or alter the fame from time to time as there fhall be occafion; and to do all other acts, matters, and things neceffary to be done for putting this act in execution, with relation to the faid rates and duties hereby granted, in the like, and in as full and ample manner as they, or the major part of them, are authorized to put in execution any of the laws now in being concerning ftamped vellum, parchment, and paper.

VI. And be it further enacted, That, from and after the first day of *Auguf*, one thoufand feven hundred and eighty-five, no perfon whatfoever, required by this act to be licenced, fhall, unlefs he or ſhe be authorized and enabled, in the manner herein-after prefcribed, let out any horfe for hire, either by the mile or ftage, or to draw any coach, berlin, landau, chariot, calafh with four wheels, or any calafh, chaire, or chair with two wheels, or any other carriage ufed in travelling poft, or otherwife, by whatfoever name fuch carriages now are or hereafter may be called or known, (upon which any rates or duties, now or heretofore under the management of the commiffioners of excife, are or have been referved or m^oie payable,) for a day, or lefs period of time, upon pain to forfeit, for every fuch offence the fum of ten pounds, to be recovered and applied as herein-after is directed.

Penalty on
perſons let-
ting out hor-
ſes to travel
poſt, &c. with-
out a licence.

VII. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Majeſty's commiſſioners, appointed for managing the duties ariſing by ftamps on vellum, parchment, or paper, or ſome perſon duly authorized by them, ſhall grant licences to fuch perſons who ſhall apply for the ſame, to let out horſes for hire, in the manner aforeſaid, in any city, town, or other place within *Great Britain*, for the ſpace of one year, to commence from the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty five, upon all licences to be granted on or before that day; and upon licences to be firſt granted to any perſon or perſons after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, to commence from the day of the date of every ſuch licence; and all and every perſon or perſons who ſhall take out ſuch licence for letting out horſes for hire, in manner aforeſaid, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that year for which he, ſhe, or they ſhall be ſo licenced, if he, ſhe, or they ſhall continue to let out horſes for hire in manner aforeſaid; and ſhall, in like manner, renew ſuch licence from year to year, paying down the reſpective ſums due for ſuch licences, as long as he, ſhe, or they ſhall continue to let out horſes for hire in manner aforeſaid.

Any two
commiſſion-
ers of the
ſtamp-duties,
or perſon au-
thorized by
them, may
grant licences
for letting out
horſes to hire.

VIII. And be it further enacted, That no poſtmaſter, inn-keeper, or other perſon whatſoever, licenced or to be licenced by

No perſon to
keep more
by

than one inn,
etc. for let-
ting horſes, by
virtue of one
licence, on
penalty of 20l.

by authority of this act, ſhall, by virtue of one licence, keep more than one inn, houſe, or other place for letting horſes for the purpoſes aforeſaid; but for each and every inn, houſe, or other place, which any poſtmaſter, innkeeper, or other perſon, ſhall keep for the purpoſes aforeſaid, a ſeparate and diſtinct licence ſhall be taken out and paid for by ſuch poſtmaſter, innkeeper, or other perſon; upon pain to forfeit, for every inn, houſe, or other place, ſo kept by him, her, or them, not licenſed as aforeſaid, the ſum of twenty pounds, to be recovered and applied as herein is directed.

Licenſed inn-
keepers, etc.
to cauſe cer-
tain words to
be painted on
the fronts of
their houſes,
etc. before
they let horſes
for hire;

IX. And be it further enacted, That every poſtmaſter, innkeeper, or other perſon, ſo licenſed to let horſes as herein-before mentioned, ſhall cauſe the words (*Licenſed to let Poſt Horſes*) to be painted or written in legible characters, either on a ſign hung out, or in ſome viſible place in the front of his, her, or their houſe, ſtables, or out-offices, at the reſpective places at which he, ſhe, or they let out horſes to hire as aforeſaid, to denote that ſuch poſtmaſter, innkeeper, or other perſon, is a letter or furniſher of horſes, and authoriſed to furniſh travellers with the ſame, purſuant to law: and if any poſtmaſter, innkeeper, or other perſon ſo licenſed as aforeſaid, ſhall preſume to let out horſes for hire, as herein-before mentioned, without fixing or hanging out ſuch token as aforeſaid, every poſtmaſter, innkeeper, or other perſon, ſo offending, ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds, to be recovered and diſtributed as herein-after is directed.

on penalty of
5l.

Innkeepers,
etc. who fur-
niſh carriages
to travel poſt,
ſhall affix their
names, and
their place of
abode, on
ſome conſpi-
cuous part
thereof,

X. And be it further enacted, That every perſon ſo licenſed as aforeſaid, ſhall, if he, ſhe, or they furniſh his, her, or their own chaiſes, or other carriages, at the ſame time with ſuch horſes let to hire to travel poſt as aforeſaid, mark or paint, or cauſe to be marked or painted, on the outside pannel of each door of the chaiſe, or other carriage ſo furniſhed, his, her, or their chriſtian and ſurname, and the name of the city, town, or place, of his, her, or their abode, in large and legible characters, in letters of a colour diſtinct from the colour of the carriage, each letter at leaſt one inch in length, and continue the ſame thereupon, as long as ſuch chaiſe or carriage ſhall be ſo uſed; and if any perſon or perſons ſhall neglect or omit to mark or paint the ſame, as herein-before is directed, or ſhall mark or paint, or cauſe to be marked or painted, any falſe or fictitious name, or place of abode, on ſuch chaiſe or other carriage, he, ſhe, or they ſhall forfeit, for every ſuch offence, the ſum of five pounds.

on penalty of
5l.

Innkeepers,
etc. who fur-
niſh carriages
to travel for a
day, or leſs
period of
time, ſhall
affix upon
the conſpi-

XI. And be it further enacted, That every poſtmaſter, innkeeper, or other perſon ſo licenſed as aforeſaid, if he, ſhe, or they furniſh his, her, or their own coaches, berlins, landaus, chariots, calaſhes, chaiſes, or other carriages with four wheels, or any calaſh, chaiſe, chair, or other carriage aforeſaid with two wheels, at the ſame time with ſuch horſes let to hire for a day, or leſs period of time, for drawing on any publick road, where ſuch carriages ſhall have a box, or other outside ſeat for the driver

driver thereof, ſhall affix upon ſome conſpicious part of the footboard, or other part of ſuch box or ſeat, a braſs or tin plate, on which there ſhall be marked or engraved the chriſtian and ſurname of every ſuch owner or owners, and the name of the city, town, and place, of his, her, or their abode, in large and legible characters, and continue the ſame thereon, and replace the ſame as often as occaſion ſhall require, during the time ſuch coach, or other carriage as aforeſaid, ſhall be ſo uſed; and where ſuch carriages ſo furniſhed as aforeſaid ſhall not have a box or other outſide-ſeat for the driver thereof, ſhall affix upon a conſpicious part of the pole, ſhaft, or ſplinter-bar of every ſuch carriage as aforeſaid, a braſs or tin plate, upon which there ſhall be marked or engraved the chriſtian and ſurname of every ſuch owner or owners, together with the name of the city, town, or other place, of his, her, or their abode, in large and legible characters, and continue the ſame thereon, and replace the ſame as often as occaſion ſhall require, during the time any ſuch carriage as aforeſaid ſhall be ſo uſed: and if any perſon or perſons ſhall omit or neglect ſo to do, or mark or engrave, or cauſe to be marked or engraved, any falſe or fictitious name or place of abode, on any ſuch plate ſo to be affixed on any ſuch coach, berlin, landau, chariot, chaiſe, or other carriage as aforeſaid, he, ſhe, or they ſhall forfeit, for every ſuch offence, the ſum of five pounds.

XII. And be it further enacted, That the ſaid commissioners appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, ſhall, at the time of iſſuing ſuch licence as aforeſaid, deliver, or cauſe to be delivered, to every poſtmaſter, innkeeper, or other perſon ſo licensed, printed or written papers, (intituled, *Stamp-office Weekly Accounts*,) in which ſhall be inſerted the day of the week, and blanks left for the number of horſes and miles, and name of the town or place to which ſuch horſes ſhall be hired to go; and alſo for the day of the month, and the names of the poſtillions or drivers employed, to be filled up as herein-after directed, according to the following form, or ſuch other form as the ſaid commissioners ſhall judge convenient for keeping ſuch accounts.

Stamp-office Weekly Account.

A. B. of C.

Names of Portitions or Drivers.											Names of places to which the Horses are hired to go.	Duty.		
Month and Day.	Week and Day.	A. H.		C. D.		E. F.		G. H.		I. K.			L. M.	
		No. of	Horses, Miles.	No. of	Horses, Miles.	No. of	Horses, Miles.	No. of	Horses, Miles.	No. of	Horses, Miles.	No. of	Horses, Miles.	
Sunday														
Monday														
Tuesday														
Wednesday														
Thursday														
Friday														
Saturday														

The form
thereof.

And

And ſhall alſo deliver, or cauſe to be delivered, a number of tickets, on which ſhall be printed or written the words (*Stamp-office*.) and alſo the word (*Horſes*.) and 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the numbers; and likewiſe the word (*Miles*.) except where the horſes are hired for a day, or any leſs period of time, and then, inſtead of the word (*Miles*.) the words (*Per a Day*) ſhall be inſerted, and alſo the amount of the duty, at and after the rate of one ſhilling and nine-pence for each horſe, according to the number of horſes expreſſed by figures on ſuch tickets, and ſhall take eſpecial care that all perſons ſo licenſed ſhall be ſufficiently furniſhed with ſuch accounts and tickets; and in caſe any officer employed in the execution of this act, in relation to the ſaid rates and duties, ſhall wilfully reſuſe or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Maſteſty's ſubjects ſhall or may ſuſtain any damage whatſoever, ſuch officer ſo offending ſhall be liable, in any action to be founded on this ſtatute, to anſwer to the party aggrieved all ſuch damages, with triple coſts of ſuit.

Penalty on officers making default.

XIII. And it is hereby further enacted, That each and every poſtmaſter, innkeeper, or other perſon, ſo licenſed to let horſes for the purpoſe aforeſaid, ſhall, at the time of receiving his, her, or their fiſt licence, give ſecurity, by bond, to his Maſteſty, his heirs and ſucceſſors, in the ſum of fifty pounds, with a condition that he, ſhe, or they will, whenever thereunto required, redeliver, or cauſe to be redelivered, the ſtamp-office tickets which he, ſhe, or they may have received, and that they may remain unaccounted for by him, her, or them, or will pay the money due thereon; and that he, ſhe, or they will alſo deliver to the perſon or perſons properly authorized, by the commiſſioners appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, to inſpect the ſame, and to receive the money due thereon, the ſtamp-office accounts ſo delivered to him, her, or them, as aforeſaid, faithfully made out, ſigned, and atteſted, as herein-after directed, and make payment of all ſuch ſum and ſums of money as ſhall be due and payable to his Maſteſty, in purſuance of, and according to the true intent and meaning of this act; and alſo truly and faithfully to obſerve and perform all the directions, matters, and things, herein contained, on his, her, or their behalf, to be obſerved and performed; and in caſe of the nonperformance or breach of ſuch condition, it ſhall and may be lawful for the ſaid commiſſioners, or the perſons ſo appointed by them, to cauſe each and every ſuch bond to be proſecuted according to law; and in caſe of judgement againſt the defendant, the ſaid commiſſioners may, if they ſhall think fit, reſuſe to grant to ſuch perſon, againſt whom ſuch judgement ſhall be obtained, any licence to let horſes as aforeſaid in future.

Poſtmaſters, etc. on receiving their fiſt licence, to give ſecurity for the redelivery of tickets unaccounted for, etc.

XIV. And, to prevent any diſputes ariſing at what rate or value the tickets ſhall be ſettled which may have been delivered,

Tickets unac-
counted for,
how to be
valued.

ed, in pursuance of this act, to the postmasters, innkeepers, or others, and which may remain unaccounted for by him, her, or them, be it enacted, That such tickets shall be valued in account, and paid for, in case of any deficiency, at and after the rate of one shilling and nine-pence for each horse, according to the number of horses expressed by figures on such tickets, and in the receipt given by such postmasters, innkeepers, or other persons for the same.

Postmaster
etc. letting
out horses to
travel post,
shall receive,
for the use of
his Majesty,
of the persons
hiring the
same, 1 d. 2 q.
for every mile
each horse is
to travel;
and shall deliver
to them
stamp-office
tickets properly
filled up.

XV. And be it further enacted, That all and every postmaster, innkeeper, or other person licensed as aforesaid, who shall let horses to hire by the mile or stage, to be used in travelling post, shall, by themselves or servants, previous to the using such horse or horses, ask, demand, and receive, for the use of his Majesty, his heirs and successors, or and from the person or persons hiring the same, the sum of one penny half-penny *per* mile for each mile such horse shall be so hired to travel, at and after the rate or number of miles which he, she, or they shall charge such traveller or travellers for the stage or distance such horse may be hired to go; and shall, at the same time he or she receives payment of the duty for such horse or horses, deliver, or cause to be delivered, to the person or persons hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, as occasion shall require, and to which such postmaster, innkeeper, or other person, shall add, or cause to be added, if an innkeeper, the name of his sign or house; if not an innkeeper, his or her name; and he shall also insert the name of the city, town, or place where such licensed person resides, and the name of the town or place to which such horses may be hired to go; and if to *London*, the name of the street, square, or place in *London*; and in words or figures the month, and day of the month, and the number of miles, for which such horse or horses are so hired: and if any postmaster, innkeeper, or other person, under pretence of there not being any turnpike or toll-bar upon the road through which he may be hired to go, or, under any other pretence whatsoever, shall neglect to ask, demand, and receive the said duty of one penny halfpenny *per* mile from such person or persons hiring such horse or horses, or shall neglect or refuse to deliver the ticket or tickets, filled up as herein-before directed, to such person or persons so hiring the horses as aforesaid, such postmaster, innkeeper, or other person, shall, for every such offence, forfeit and pay the sum of ten pounds; and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they, had actually received the same.

Penalty on
neglect there-
of.

Travellers to
deliver their
tickets at the
first turnpike
they shall pass
through.

XVI. And be it further enacted, That all and every traveller or travellers to whom the tickets, whereon shall be expressed the number of miles, shall be delivered as aforesaid, if they shall pass through any turnpike or toll-bar, shall, at the first turnpike, toll-bar, or bridge, at which any toll shall be by law collected, through which he, she, or they shall pass, deliver,

deliver, or cauſe to be delivered, to the toll-gate keeper there, the ticket or tickets ſo given to him, her, or them at the place where he, ſhe, or they hired ſuch horſe or horſes, which the ſaid toll-gate keeper is hereby directed to demand, and to receive and file; and if any traveller or travellers, ſo going poſt as aforeſaid, ſhall have neglected to take ſuch ticket or tickets, or ſhall not deliver, or cauſe the ſame to be delivered, properly filled up, as herein-before is directed, he, ſhe, or they ſhall, before ſuch horſes be permitted to paſs through ſuch turnpike or toll-bar, pay for every horſe hired and uſed by ſuch traveller or travellers the ſum of one ſhilling and nine-pence, which the gate-keeper is hereby authoriſed to aſk and demand, and not permit ſuch horſe or horſes to paſs till he, ſhe, or they ſhall have paid the ſame, or produced ſuch ticket or tickets as aforeſaid.

Penalty on neglect.

XVII. And be it further enacted, That no traveller ſhall be compelled to pay for a greater number of miles than ſhall be expreſſed upon the ticket by this act directed to be iſſued to ſuch traveller; and if any poſtmaſter, innkeeper, or other perſon ſo licenſed as aforeſaid, ſhall inſert in ſuch ticket the name of any other town or place than the town or place to which the horſes ſhall be hired to go, or ſhall fill up a leſs number of miles than the number charged to ſuch traveller, every poſtmaſter, innkeeper, or other perſon ſo offending, ſhall forfeit and pay the ſum of ten pounds; and the ſaid commiſſioners ſhall, if they think fit, after conviction of ſuch offender, reſuſe to grant ſuch offender any licence in future.

No traveller to pay for more miles than ſhall be expreſſed upon his ticket. Penalty on poſtmaſters, etc. for falſely filling up tickets.

XVIII. And whereas poſtmaſters, innkeepers, and other perſons, add the number of miles upon the tickets given by them to perſons travelling poſt, according to the diſtance of the ſtage, yet nevertheless charge the traveller a ſum of money not at or after any certain rate per mile, under a pretence that the ſum ſo charged is their price for the ſtage; be it therefore enacted, That where any ticket ſhall be iſſued, with the number of miles expreſſed thereon, and the poſtmaſter, innkeeper, or other perſon ſo iſſuing the ſame, ſhall charge the traveller a ſpecifick ſum by the ſtage, and not at or after the uſual or any certain rate per mile, in every ſuch caſe, ſuch poſtmaſter, innkeeper, or other perſon, ſhall be accountable for one fourth part of the money to received by him, her, or them, as and for the duty by this act directed to be paid, and ſhall, in that caſe, expreſs on the ſaid ticket the money charged to ſuch traveller, and enter in the weekly account, herein before directed to be kept, one fourth part of the money ſo received, and pay the ſame to the collector or collectors appointed by this act to receive and collect the ſaid duties; and if any poſtmaſter, innkeeper, or other perſon, ſhall act contrary hereto, he, ſhe, or they ſhall, for every offence, forfeit and pay the ſum of ten pounds, to be recovered and applied as herein-after is directed.

Clause relative to charging travellers a ſpecifick ſum by the ſtage, and not by the mile.

XIX. And be it further enacted, That all and every poſtmaſter, innkeeper, and other perſon ſo licenſed as aforeſaid, who

Postmaſters, etc. letting who

out horses to travel by the day, etc. shall, for the use of his Majesty, of the persons hiring them, 1d. halfpenny for every mile each horse is to travel, or 1s. 9d. for each horse, where the distance shall not be ascertained; and shall deliver to them stamp-office tickets properly filled up. Penalty on postmasters, etc. for neglect.

Day-tickets to be delivered at the first turnpike;

in return for which the gate-keeper shall give an exchange ticket,

who shall let to hire any horse or horses by the day or less period of time, as aforesaid, shall, by themselves or servants, previous to such horse or horses being used, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of an 1 from the person or persons hiring the same, the sum of one penny halfpenny *per* mile for each mile such horse or horses shall be so hired to go, where the distance shall be ascertained, and where the distance shall not be ascertained, then the sum of one shilling and nine-pence for each horse so hired, previous to such horse or horses being used; and shall, at the same time, deliver, or cause to be delivered, to the person or persons so hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, with the words (*for a Day,*) inserted therein, as occasion shall require; and to which every postmaster, innkeeper, or other person, shall add, or cause to be added, if an innkeeper, the name of his sign or house, if not an innkeeper, his or her name; and he shall also insert the name of the city, town, or place where such licensed person resides, and, in words or figures, the month, and day of the month; and if any postmaster, innkeeper, or other person, shall neglect to ask, demand, and receive the said duty of one penny halfpenny *per* mile, or one shilling and nine-pence for each horse, as the case shall happen to be, from such person or persons hiring the same, or shall neglect or refuse to deliver the ticket or tickets so filled up as aforesaid, such postmaster, innkeeper, or other person shall, for every such offence, forfeit and pay the sum of ten pounds, and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they had actually received the same.

XX. And be it further enacted, That every person or persons, to whom such day-ticket as aforesaid shall be delivered, if he, she, or they shall, in the course of the day for which such ticket shall be given, pass through any turnpike, toll-bar, or over any bridge (where any toll is collected by virtue of any act or acts of parliament), shall, at the first turnpike, toll-bar, or bridge, through which he, she, or they shall pass, deliver, or cause to be delivered, to the toll-gatherer there, the day-ticket or tickets so given to him, her, or them, at the place where he, she, or they hired such horse or horses, which the said toll-gatherer is hereby directed to demand, and to receive and file; and in return for such day-ticket or tickets, every such person or persons shall receive from the said toll-gatherer a ticket, (called *An Exchange Ticket*), to be supplied from the stamp-office, which shall contain the name of the county in which the turnpike or toll-bar shall be, and the words (*Received Day-ticket*); and also the number of horses according to the figures expressed in such day-ticket, together with the name of the city, town, or place, at which such day-ticket was given, and some mark or number, denoting the particular day in which such exchange ticket was issued, in printed or written letters or figures;

gures; which said exchange tickets the said toll-gatherer is hereby directed to deliver to such person or persons gratis, in return for such day-ticket so left with him as aforesaid; and which said exchange ticket so delivered shall be shewn by such person or persons at every turnpike or toll-bar, through which he, she, or they shall afterwards on that day pass with such horse or horses for which such day-ticket shall have been given; and if any person or persons, to whom such day-ticket or tickets shall be delivered as aforesaid, shall neglect or refuse to leave the same at such first turnpike as aforesaid, or shall refuse to shew the ticket, so given to him, her, or them in exchange, at every turnpike or toll-bar, through which he, she, or they shall on that day pass as aforesaid, he, she, or they shall pay, for every horse then used by him, her, or them, the sum of one shilling and nine-pence, before such horse or horses shall pass through such turnpike, toll-bar, or bridge, the gatekeeper or toll-gatherer there is hereby authorised to ask, demand, receive, and retain the same to his own use; and where the name of the owner of the carriage shall be marked on the footboard or seat, or pole, shaft, or splinter-bar, as herein-before is directed to be done, when the carriage is let out to hire at the same time with the horses, then such gatekeeper or toll-gatherer shall not permit such horse or horses to pass through, until such traveller shall have paid the same, or left such day-ticket or tickets, or shall have produced and shewn such exchange ticket, as aforesaid.

which shall be shewn at every turnpike during that time as the traveller shall have the day-tickets, etc.

XXI. And be it further enacted, That if any person or persons shall take off, or cause to be taken off, the brass or tin plate, herein-before directed to be affixed on carriages used as herein-before mentioned, with an intent to evade the payment of the duty, or the sum of one shilling and nine-pence for each horse to be paid at the turnpike or toll-bar, as herein-before is directed; every such person or persons so offending, shall forfeit and pay the sum of ten pounds, to be recovered and applied in the same manner as the other penalties in this act are directed to be recovered and applied.

Penalty on taking off the brass or tin plate, in order to evade payment of the duty;

XXII. And be it further enacted, That in case any carriage, upon which any brass or tin plate is directed to be affixed as aforesaid, shall pass through any turnpike or toll-bar, without having such brass or tin plate then affixed thereon, in the manner herein-before directed, the driver or drivers of every such carriage shall forfeit and pay the sum of forty shillings, to be recovered and applied in the manner herein-after appointed.

and on drivers of carriages passing through any turnpike without such plate.

XXIII. And, in order to prevent evasions in the filling up the said tickets, where the horses are hired to return in a less period of time than two days, and the distance shall be ascertained, be it enacted, That where any postmaster, innkeeper, or other person, shall let to hire any horse or horses as aforesaid to return in a less period of time than two days, and the number of miles, instead of the words (*For a day*), shall be inserted in such ticket, every licensed postmaster, innkeeper, or other person, shall fill up the name of the place to which the horses are hired to go,

How tickets for less than two days shall be filled up.

and the true number of miles, afcertaining the diftance both going to and returning from the place expreffed in fuch ticket; and in default of not filling up the faid ticket, as herein-before is directed, every fuch poftmafter, innkeeper, or other perfon, fhall forfeit and pay the fum of ten pounds, and moreover be chargeable with the full duty to his Majefty, his heirs and fucceffors, in the fame manner as if he or fhe had actually received the fame.

XXIV. *And, in order to prevent frauds where horfes fhall be let*

Description of the certificates to be delivered to travellers who hire horfes for two days or more.

Such certificate to be delivered at the firft turnpike;

for which the gate-keeper fhall give a check ticket.

If traveller neglect to take fuch certificates, &c.

they fhall pay 1s. 6d. for each horfe, which the gate-keeper may retain to his own ufe.

to hire for two or more days, be it enacted, That every poftmafter, innkeeper, or other perfon, when he fhall let to hire for two days, or a longer fpace of time, any horfes for drawing any carriage as aforefaid, on any publick road, fhall deliver, or caufe to be delivered, to the perfon travelling in fuch carriage, or to the driver thereof, a note or certificate, to be fupplied from the Stamp-office, on which fhall be engraved or printed (*Hired for Two or more Days*), and to which fuch poftmafter, innkeeper, or other perfon fhall add the day of the month, the name of the place of his abode, and the number of days for which the faid horfes fhall be hired, and the name and place of abode of the perfon hiring the fame; and the perfon travelling in fuch carriage, or the driver thereof, fhall, at the firft turnpike, or other place where toll is by law collected, if he, fhe, or they fhall pafs through any, deliver to the toll-gate keeper there the note or certificate fo given to him or her as aforefaid, which the faid toll-gate keeper is hereby directed to ask and demand, and to receive and file; and in return for fuch note or certificate, the toll-gate keeper fhall deliver a ticket, called (*The Check Ticket*), to be fupplied from the Stamp-office, which fhall contain the name of the county in which the turnpike or toll-bar fhall be, and the words (*Check ticket delivered*), and alfo the name of the town or place whence fuch note or certificate iflued, together with fome mark or number denoting the particular day on which fuch check ticket was iflued, in printed or written letters or figures; which faid check ticket the faid toll-gate keeper is hereby directed to deliver to fuch perfon or perfons, &c., in return for fuch note or certificate fo left with him as aforefaid, and which faid check ticket, fo delivered, fhall be fubfcribed by the driver of fuch carriage, or fome perfon therein, to the toll-gatekeeper at every turnpike or toll-bar through which the faid horfes may have occafion to pafs: and if any perfon or perfons, hiring fuch horfes for the purpofes aforefaid, fhall have neglected to take fuch note or certificate as above fpecified, or fhall neglect or refufe to leave the fame at fuch firft turnpike or toll-bar as aforefaid, or fhall refufe to fhew, at the feveral turnpikes or toll-bars through which he fhall pafs, the check ticket fo given to him by the toll-gate keeper as aforefaid, fuch traveller or travellers fhall pay for every horfe then ufed by him or her the fum of one fhilling and nine-pence before fuch horfes be permitted to pafs fuch turnpike or toll-bar, which the faid toll-gate keeper is hereby authorized to ask, demand, and receive,

receive, and retain to his own use, and not permit such horses to pass till such travellers shall have paid the same, or produced such note or certificate, or such check ticket as aforesaid, and if any postmaster, innkeeper, or other person, shall, in such note or certificate, insert any false or fictitious name or place of his or her abode, or shall wilfully insert therein any fictitious name, or place of abode of the person hiring such horse, or shall, in letting out such horses for the purposes aforesaid, by any device or collusion, pretend to let out his horses for a longer space of time than the time for which the same were actually hired, with an intent to evade the duty hereby imposed, such postmaster, innkeeper, or other person shall, for every such offence, forfeit the sum of twenty pounds; and the said commissioners shall, if they think fit, after conviction of such offender, refuse to grant such offender any licence in future.

Penalty on postmasters, innkeepers, &c. for delivering false certificates.

XXV. Provided always, and it is hereby enacted and declared, That every horse hired for the purpose of drawing any carriage as aforesaid for any less period of time than two successive complete days, shall be deemed, for the purposes of this act, to be hired for a day, and shall be subject to all the rules, regulations, and restrictions, as horses hired for a day, or less period of time, for drawing such carriages as aforesaid, are by this act made liable and subject to.

Horses hired for any less time than two days, shall be deemed to be hired for one day.

XXVI. And be it further enacted by the authority aforesaid, That every toll gate keeper who shall have received any of the day tickets, or the notes or certificates for two or more days, as herein-before mentioned, and shall refuse to give any traveller or travellers gratis, the tickets hereby directed to be given in exchange, or who shall deliver the exchange ticket or check ticket, without having received in lieu thereof the stamp-office day ticket, or the note or certificate for two or more days, as herein-before mentioned; or who shall make, or permit or suffer to be made, any alteration in any of the tickets hereby directed to be filed by him or her, after such tickets shall have come to his or her custody, or shall deliver any of the tickets directed to be received and filed by him or her, to any person or persons other than the person or persons duly authorized as herein-after mentioned to receive the same, he or she shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered as herein-after is directed.

Penalty on gatekeepers for neglect of duty.

XXVII. And it is hereby further enacted, That every postmaster, innkeeper, or other person so licensed to let horses as aforesaid, shall insert, in the account herein-before specified, to be delivered to him, her, or them, from the stamp-office, the number of horses used in travelling post, and the number of miles for which such horses shall have been so used, and the name of the town or place to which such horses were hired to go; also the number of horses let to hire for a day, or any less period of time; and also the note or certificate so issued by them as aforesaid, and the day of the month on which the said day tickets were used, or such note or certificate was issued, toge-

Enumeration of particulars to be inserted, by post-officers, &c. in the account to be transmitted to the stamp-office.

ther with the names of the postilions or drivers employed; which said account shall be signed by such postmaster, innkeeper, or other person so licensed as aforesaid, and witnessed by the hostler, or other servant employed in preparing and getting ready such horses, and shall be open, when required, to the inspection of any person or persons duly authorised under the hands and seals of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to inspect the same; and such postmaster, innkeeper, and other person so licensed as aforesaid, residing in the city of *London* or liberty of *Westminster*, shall, the first *Tuesday* or *Wednesday* in every month, and such other person so licensed as aforesaid, residing within five miles of the head office for stamps, or within the bills of mortality, shall, the first *Thursday* or *Friday* in every month, or at such other times as may be appointed by the said commissioners, on publick notice given in the *Gazette*, bring in and deliver to the commissioners, or to the person or persons appointed by them for the purpose of receiving the same, at the head office, the accounts herein before directed for the four weeks ending on the *Saturday* preceding such day of delivery, and shall, at the same time, pay such sum and sums of money which shall appear to be due thereon to the receiver general for the time being of the duties on stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs, and successors, at the head office, upon pain of forfeiting ten pounds for every default in not delivering in such account, and double the amount of the money so due and payable from such postmaster, innkeeper, or other person, for the said rates or duties, for the nonpayment thereof.

At what times licensed persons residing in London or Westminster, or within five miles thereof, or in the bills of mortality, shall deliver their accounts at the stamp-office, etc.

Where and when licensed persons living in other parts of the kingdom shall deliver their accounts, etc.

XXVIII. And it is hereby further enacted, That every postmaster, innkeeper, or other person, so licensed as aforesaid, not residing within the cities of *London* or *Westminster*, or within five miles of the same, or within the bills of mortality, shall, at such times and places to be appointed for that purpose as herein-after mentioned, produce and deliver the accounts hereinbefore directed for the weeks ending on the *Saturday* preceding such delivery, and then unaccounted for, to the person or persons duly authorised and commissioned, under the hands and seals of three of the said commissioners for managing the duties on stamped vellum, parchment, and paper, to receive such accounts, and the money due thereon; and at the same time pay to such person or persons all sum and sums of money, which shall appear to be due upon such accounts, under the penalty of ten pounds for every default in not delivering such accounts, and double the amount of the money due and payable from such postmaster, innkeeper, or other person, for the said rates or duties, for the nonpayment thereof.

Postmasters, etc to enter tickets in their weekly

XXIX. And be it further enacted, That every postmaster, innkeeper, or other person so licensed as aforesaid, shall enter, or cause to be entered, in his weekly account, the tickets, notes, or

or certificates, so issued by him, her, or them, on the day in which the same shall be issued; and if any postmaster, innkeeper, or other person, shall date any of the posting tickets or day tickets, or any note or certificate, by him or her delivered as aforesaid, in any other manner than as the same shall, at the time of such delivery, be entered in his or her weekly account or accounts, he, she, or they shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered and applied as herein-after is directed.

XXX. And it is hereby further enacted, That every postmaster, innkeeper, or other person, so licensed as aforesaid, who shall be guilty of any wilful concealment, or making false accounts, or any other fraudulent contrivance, device, or pretence whatsoever, with an intent or design to defraud his Majesty, his heirs and successors, of any of the rates or duties imposed by this act, or any part thereof, such postmaster, innkeeper, or other person, shall forfeit the sum of fifty pounds, to be recovered as herein-after directed; and the said commissioners shall and may, if they shall so think fit, after judgement obtained against such offender, refuse to grant to such offender any licence in future.

XXXI. And, in order to prevent the evading the payment of the duties hereby granted, by permitting carriages, conveying persons post, to be drawn by horses which have paid the duty for the stage, under pretence of such horses being upon the return home; be it further enacted, That every postmaster, innkeeper, or other person, who shall take the hire for such horses by the mile, or from stage to stage, shall be considered as the person to whom the duties herein-before granted shall be paid, and shall be chargeable with, and accountable for the same, as if such postmaster, innkeeper, or other person, was the actual proprietor of such horses, although the same may belong to, and be the property of any other licensed postmaster, innkeeper, or other person.

XXXII. And, in order to prevent evading the payment of the duties hereby granted upon horses hired by the mile or stage, under the pretence of the letting such horses for a day, or any less period of time, be it enacted, That no postmaster, innkeeper, or other person, at whole inn, house, or other place kept for letting horses to hire, any traveller or travellers shall change horses, shall let to hire any horse or horses to such traveller or travellers, in any other manner than by the mile or stage; and if any postmaster, innkeeper, or other person, shall act contrary hereto, he, she, or they shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered as herein-after mentioned.

XXXIII. And in order to prevent any obstruction or inconvenience to travellers, from the name of the town or place to which the horses may be hired to go, being inserted in the ticket as herein before is directed; be it enacted, That where any postmaster, innkeeper, or other person so licensed as aforesaid, at whole inn, house, or other place, any traveller or travellers shall apply to change horses, if he or she cannot furnish horses to convey such travellers,

Penalty on postmasters, etc. who shall endeavour to defraud his Majesty of the rates imposed by this act.

Every postmaster, etc. who shall take the hire for horses to relaying post, shall be accountable for the duty.

No postmaster, etc. at whose house any traveller shall change horses, shall let them any otherwise than by the mile or stage.

Where innkeepers cannot furnish horses to travellers,

they are to give them a fresh ticket properly filled up, etc.

vellers on their journey, when applied to for that purpose, such postmaster, innkeeper, or other person, shall and is hereby directed to issue to any traveller requiring the same, a fresh ticket properly filled up, and receive the duty due thereon, and charge himself or herself therewith, in the same manner as if the horses had been hired from such postmaster, innkeeper, or other person.

Toll-gate keepers to be allowed 3d. in the pound for every ticket they shall deliver to collectors

XXXIV. *And, for the encouragement of the toll-gate keepers to be attentive and vigilant in the execution of this act, and as a compensation for their trouble;* be it enacted, That all and every toll-gate keeper shall be, and is hereby authorized to demand and receive from the collector, or other person appointed to get in the same, to whom he, she, or they shall deliver the day tickets and posting tickets, in the manner hereinafter directed and prescribed, the sum of three-pence for every pound sterling, which the duties upon any such tickets shall amount unto, and at and after that rate for any less sum than a pound sterling; and such collector, or other person, is hereby authorized to pay and allow the same accordingly; and that such allowance of three-pence in the pound shall be over and above the allowance or privilege hereby given to such toll-gate keepers of retaining the money by him, her, or them, collected from such traveller or travellers, person or persons, who shall not, pursuant to this act, have delivered the tickets to such toll-gate keeper as aforesaid.

Where and when the toll-gate keepers shall bring the said tickets.

XXXV. Provided always nevertheless, and it is hereby enacted, That all and every toll-gate keeper shall, for the compensation and allowance aforesaid, bring, or cause to be brought, the tickets herein-before mentioned, by him or her received, if within five miles of the head office for stamps, then to the said head office there, or to such other place, within the bills of mortality, as the commissioners of the stamp-duties shall appoint; and if beyond the distance of five miles from the head office, then to such places, and at such times, as the collector, appointed to collect such tickets, shall require, and deliver up, or cause to be delivered up, such tickets to the collector to be appointed as aforesaid.

Penalty on toll-gate keepers who shall not deliver up tickets on demand;

XXXVI. And be it further enacted, That all and every toll-gate keeper, who shall have received such stamp-office tickets as aforesaid, who shall not bring, or cause to be brought, such tickets at the times and places aforesaid, shall, upon demand made at the gate of such turnpike or toll-bar, deliver such tickets to the collector to be appointed by the said commissioners for managing the duties on stamped vellum, parchment, and paper, as aforesaid; and if any toll-gate keeper shall refuse to deliver up all and every such stamp-office tickets to received by him or her, upon such demand as aforesaid, every toll-gate keeper shall, for each ticket he or she shall so refuse to deliver up, forfeit and pay the sum of five shillings, to be recovered as herein-after is directed.

XXXVII. And be it further enacted, That if any toll-gate keeper

keeper shall wilfully neglect to ask and demand, or shall refuse to receive, from any person or persons, any ticket or tickets, hereby directed to be delivered to such toll-gate keeper as aforesaid, or shall neglect or refuse to file the same when delivered, every such toll-gate keeper, so wilfully neglecting to ask and demand, or refusing to receive and file such tickets, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered, levied, and applied in manner herein after directed.

XXXVIII. *And, in order to prevent any collusion or fraudulent practices in toll-gate keepers,* be it enacted, That in case any toll gate keeper shall ask, demand, or receive, or agree to take or accept any less sum or sums of money than he or she is hereby authorized to ask, demand, and receive, and retain to his own use, every such toll-gate keeper shall, for every such offence, forfeit and pay the sum of twenty shillings, to be recovered and applied in the manner herein-after appointed.

XXXIX. *And whereas there are many public roads on which there are no turnpikes, so that the tickets directed to be issued by the several postmasters, and other persons, must be received and filed as directed by this act, whereby great frauds are practised,* be it therefore enacted, That it shall and may be lawful to and for the commissioners appointed to manage the duties on stamped vellum, parchment, and paper, to erect bars and gates across any public road, for the receipt of the tickets directed to be issued in pursuance of this act, and to place a person or persons there, who shall have, and are hereby invested with the same power and authority, to collect and receive the tickets, notes, or certificates to be issued, and to demand the money from the travellers for not-producing and shewing the same, as the turnpike men are authorized by this act to collect, demand, and receive, and to be liable and subject to the same penalties for any thing done contrary to this act, as the turnpike men are subject and liable to.

XI. And be it further enacted, That all and every postmaster, innkeeper, or other person so licensed as aforesaid, not residing within five miles of the head office for stamps, nor within the bills of mortality, shall, at the times and at the places to be mentioned at the foot of the first licence granted to him, her, or them, when the same shall be delivered, and afterwards at the foot of every receipt which shall be given by the collector for the money paid in by him, her, or them, on account of the said duties, attend and there deliver in and pay his account, and pay the duty received by him, her, or them as aforesaid, to the collector so appointed to collect the same: provided that no such person as aforesaid shall be compelled to travel for the payment of the said duties, or other cause whatsoever, touching or concerning the same, if he, she, or they live in a market town, out of the said town; or if he, she, or they live out of a market town, then to no other place than to the market town nearest to his, her, or their habitation.

This act not to extend to horfes ufed in hackney-coaches, etc.

All horfes hired by the mile, or stage, to be deemed hired to travel poft.

On the death of any licensed poftmafter, etc. his executors, etc. fhall not be liable to any penalty for letting horfes to hire, provided they take out a licence within 30 days after his death.

After Aug. 1, 1785, every poftmafter, etc. on delivering his accounts, fhall make oath to the truth thereof.

XLI. Provided alfo, and it is hereby further enacted and declared, That nothing herein contained fhall extend, or be conftrued to extend, to any horfes ufed in hackney coaches, licensed purfuant to feveral acts of parliament made for that purpofe, where the horfes drawing fuch hackney coaches fhall be employed to go no greater diftance than ten miles from the cities of London or Weftminfter, and the fuburbs thereof.

XLII. And it is hereby further enacted and declared, That every horfe, hired by the mile or stage, fhall be deemed to be hired to travel poft, within the true intent and meaning of this act, although the perfon or perfons hiring the fame do not go or travel feveral ftages upon a poft road, or change horfes; and although at the ftage or place, at or to which fuch horfes fhall be hired, there fhall not be any poft houfe; and although there fhall not be any poft fettled or eftablifhed on the road, or any part thereof, upon which fuch horfes fhall be hired to go; any thing herein before contained, or any law or ufage, to the contrary notwithstanding.

XLIII. And be it further enacted, That if any poftmafter, innkeeper, or other perfon, licensed to let horfes in manner aforefaid, fhall die, it fhall and may be lawful for his or her executors, adminiftrators, or other perfons fucceeding to fuch inn, houfe, or other place, to let horfes to hire in manner aforefaid, until fuch time as fuch perfon fhall procure fuch licence, and give fuch fecurity as herein before directed, without being liable to the penalty herein before inflicted upon the perfons letting horfes to hire without being licensed in that behalf, provided that fuch licence be taken out within thirty days after the death of fuch poftmafter, innkeeper, or other perfon; and fuch perfon or perfons fhall be fubject to the fame rules, regulations, and charges, and liable to account, and to the payment of the fame rates and duties impofed, as fuch poftmafter, innkeeper, or other perfon, was fubject and liable to account for.

XIV. And, for the more effectually taking an account of the feveral duties impofed by this act, and preventing frauds therein, be it enacted, That, from and after the laid firft day of Auguft, one thoufand feven hundred and eighty-five, every poftmafter, innkeeper, or other perfon, fo licensed to let horfes as aforefaid, fhall at the refpective times of delivering their accounts to the commiffioners, or other perfon appointed by them to receive the fame, at the head office, or to the collector or collectors authorized by the laid commiffioners to receive the fame, and the money due thereon, make oath, or, being one of the people called Quakers, make and fubfcribe a folemn affirmation before fuch commiffioners, or other perfon appointed as aforefaid, or collector or collectors, who are hereby refpectively authorized and empowered to adminifter fuch oath and affirmation to the truth of the accounts then delivered, in the form following:

The oath.

T A. B. *do fwear, (or affirm, as the cafe may require), That the feveral weekly accounts, now by me delivered, of the duties arifing upon*

upon horſes, which I have let for the purpoſe of travelling poſt, or otherwiſe, from the day of to the day of as far as the ſame have been entered and kept by me, are fair, juſt, and true accounts; and that I have charged therein the duty for the true number of miles, received for the uſe of his Majeſty; from the travellers who have hired horſes from me; and that I have inſerted therein an account of all the day-tickets, notes, and certificates iſſued by me; and as far as ſuch accounts have been entered and kept by any other perſon or perſons, I verily believe the ſame to be true.

So help me GOD.

And if any poſtmaſter, innkeeper, or other perſon, taking the ſaid oath or affirmation hereby appointed, ſhall thereby commit wilful perjury, and be thereof convicted, he, ſhe, or they ſhall, for ſuch offence, be ſubject and liable to ſuch pains and penalties as by any law now in being perſons convicted of wilful and corrupt perjury are ſubject and liable to; and if any poſtmaſter, innkeeper, or other perſon, ſo licensed as aforeſaid, ſhall reſuſe to take the oath or affirmation above required, the collector or collectors of the ſaid duty may reſuſe to receive the money due on ſuch accounts; and ſuch poſtmaſter, innkeeper, or other perſon, ſhall be liable to the penalty of twenty pounds, in the ſame manner as if they had not delivered in their accounts, and paid the money due thereon, for each and every ſuch account ſo reſuſed to be attested or affirmed.

Penalty on poſtmaſters, etc. ſwearing falſely,

or reſuſing to take the oath.

XLV. And be it further enacted, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, if any perſon who ſhall keep any coach, berlin, landau, chariot, caſaſh, chaiſe-marine, chaiſe, diligence, or other carriage with four wheels, or any caſaſh, chaiſe, chair, or other carriage with two wheels, by what name ſoever the ſame now is or hereafter ſhall be called or known, to be employed as publick ſtage coaches or carriages, for the purpoſe of conveying paſſengers for hire to and from different places within the kingdom of *Great Britain*, ſhall let out the ſame for ſuch purpoſe, without having firſt obtained a licence under the hands of two of the ſaid commissioners for managing the duties on ſtamped vellum, parchment, and paper, or ſome perſon duly authorized by them, he, ſhe, or they ſhall forfeit, for every time ſuch coach, diligence, or other carriage ſhall be ſo uſed, the ſum of ten pounds, to be recovered and applied as herein-after is directed.

No perſon ſhall let out for hire any diligence, or poſt-coach, &c. without a licence,

on penalty of 10l. for each offence.

XLVI. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Majeſty's commissioners, appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, or ſome perſon duly authorized by them, ſhall grant licences, under their hands and ſeals, to any perſon or perſons who ſhall apply for the ſame to let out for hire any ſuch coach, diligence, or other carriage, directed to be licensed by virtue of this act, for the ſpace of one year,

Commissioners of ſtamp-duties to grant ſuch licences to all perſons who ſhall apply for them,

Licence to be renewed ten days previous to the expiration, etc.

Only one diligence, etc. to be kept by virtue of one licence.

All licensed persons to pay one penny for every mile their diligence, &c. shall travel;

and shall declare, when they receive their licence, to and from what places it is intended to be used, and how often.

All diligences, etc. going to or from London or Westminster, shall

year, to commence from the first day of *August*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said first day of *August*, to commence from the day of the date of such licences; which said licence shall be renewed at least ten days previous to the expiration of the year for which it was granted; and if the person or persons so licensed shall continue to let out for hire such coach, diligence, or other carriage, hereby directed to be licensed, he, she, or they shall, in the same manner, renew such licence from year to year, paying down the respective sums due for such licence, and so yearly and every year as long as he, she, or they shall continue to let out such coach, diligence, or other carriage, for the purpose aforesaid.

XLVII. And be it further enacted, That no person or persons so licensed to let out coaches, diligences, or other carriages, hereby directed to be licensed, shall, by virtue of one licence, keep more than one coach, diligence, or other carriage, for the purposes aforesaid.

XLVIII. And be it further enacted, That all and every person and persons so licensed to use any coach or coaches, diligences, or other carriages, to be employed as publick stage coaches as aforesaid, shall yield and pay to his Majesty, his heirs and successors, the sum of one penny for every mile every such coach or coaches, diligences, or other carriages, shall be so used to travel as aforesaid.

XLIX. And it is hereby further enacted, That all and every person or persons so licensed to use such coach or coaches, diligences, or other carriages, to be employed as publick stage coaches as aforesaid, shall, at the time of receiving such licence, declare from what place and to what place such coach or coaches, or other carriages, hereby directed to be licensed, is intended to be used, distinguishing the distance or number of miles between the two extreme towns, or other places, such coach or coaches, or other carriages, is or are intended to go, and the number of journeys each such coach or coaches, diligences, or other carriage or carriages, is or are intended to be used, either in the day or in the week, as the case may happen to be, that the same may be inserted in such licence; and all and every person or persons so licensed for such purpose as aforesaid, shall give security, by bond to his Majesty, his heirs and successors, in the sum of twenty pounds, or in treble the sum to which the duty for the journeys inserted in such licences for one month would amount unto, in the option of the said commissioners, with a condition for the faithful accounting for and paying such sums as may be due for the journeys expressed in such licences.

L. And be it further enacted, That all coaches, diligences, or other carriages, directed to be licensed by virtue of this act, that shall go from *London* or *Westminster* to any place in the country, or that shall come from the country to any place in *London*.

London or Westminster, shall be licensed at the head office by the commissioners, or some person authorized by them. be licensed at the stamp-office.

III. And, in regard it may be difficult to ascertain the number of times such licensed coaches, diligences, or other carriages, making short stages, may go in a day, it is hereby provided and enacted, That the commissioners for managing the stamp duties, or the major part of them, or such officers as they shall appoint in that behalf, shall and may, and they are hereby empowered to make such allowances as shall appear to be just, to any person or persons licensed to use any coach, diligence, or other carriage, as aforesaid, upon oath made by the owner of such coach, diligence, or other carriage as aforesaid, before the said commissioners, or the major part of them, or such officers so to be appointed, as to the number of journeys actually made in a day by such coach, diligence, or other carriage, where the same shall differ from the number expressed in such licences; which oath the said commissioners, or the collectors authorized by them to receive the said duty, are hereby empowered to administer, and to examine into all the circumstances relative to the number of journeys so made by such coach, diligence, or other carriage, as aforesaid, any thing herein contained to the contrary notwithstanding; and the said commissioners, or the major part of them, are hereby empowered to make such regulations, with respect to such coaches, diligences, and other carriages, where such allowances are applied for, as they shall from time to time find necessary, as well for the effectual securing the duties on such coaches, diligences, or other carriages, as doing justice to the owners or proprietors thereof.

LII. And be it further enacted, That all and every person or persons, so licensed to use every such coach, diligence, or other carriage, as aforesaid, shall mark or paint, or cause to be marked or painted, on the outside panel of each door thereof, before he, she, or they shall use the same for the purpose aforesaid, his, her, or their christian and surname, together with the name of the place from whence they set out, and to which they are going, in large and legible characters, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, under the penalty of ten pounds; and every proprietor of any such coach, diligence, or other carriage, licensed to go from *London* to any other place, or from any other place to *London*, shall, on the first *Monday* in every month, between the hours of eight in the morning and two in the afternoon, unless the same be an holiday, and then on the next day, not being an holiday, clear the said duties charged and become due by virtue of this act, by paying the same to the receiver general of stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs and successors, at the head office; and if such proprietor or proprietors shall be licensed from any town in the country to any other town than *London*, then such proprietors shall clear the said duties, by

Discretionary power, vested in commissioners relative to diligences, etc. making short stages near London.

The name of the owner of every diligence, etc. to be printed on the outside of each door.

Where and when the duties arising from diligences, etc. shall be paid.

paying the ſame to the perſon July authoriſed, by commiſſion under the hands and ſeals of three of his Maſteſty's commiſſioners of the ſtamp-dues, to receive the ſame, under the penalty of five pounds.

Licensed proprietor of any diligence, etc. to give ſeven days notice before he diſcontinue the ſame.

LIII. Provided always, That every ſuch licensed proprietor or proprietors of any coach, diligence, or other carriage, as aforeſaid, who ſhall lay down and diſcontinue the uſe of the ſame, ſhall give notice in writing, ſeven days at the leaſt before he, ſhe, or they ſhall lay down or diſcontinue the ſame, and ſhall have ſuch notice indorſed upon the back of ſuch his, her, or their licence or licences, or upon the bond to be given as aforeſaid, and from thenceforth, on payment or all arrears, ſhall be no longer charged or chargeable for the ſame.

Postmaſters, etc. to be allowed 3d. in the pound out of the monies to be accounted for and paid by them.

LIIV. And it is hereby enacted, That the receiver general at the head office, and the ſaid other collectors duly appointed to receive the duties hereby impoſed, ſhall make an allowance to the ſeveral poſtmaſters, keepers, and other perſons, licensed by virtue of this act to let horſes to hire, by the miles, ſtage, or day, for all monies by them paid on account of the duties by this act impoſed on horſes to hired as aforeſaid; and they ſhall be entitled reſpectively to deſtroy, for their own uſe, at and after the rate of three-pence in the pound, out of the monies by them regularly accounted for and paid to ſuch receiver general, or other collector, according to the directions herein-before contained.

Penalty on forging any ticket, or uttering the ſame.

LV. And be it further enacted, That if any perſon ſhall falſely make, forge, or counterfeit, or cauſe or procure to be falſely made, forged, or counterfeited, or wilfully aid or aſſiſt in the ſame making, forging, or counterfeiting any ticket, note, or certificate by this act authoriſed or directed to be uſed, with an intent to defraud his Maſteſty, his heirs and ſucceſſors, of any of the ſaid duties; or ſhall utter or publiſh as true, any falſe, forged, or counterfeited ticket, note, or certificate, with an intent to defraud his Maſteſty, his heirs and ſucceſſors, of any of the ſaid duties; every perſon or perſons ſo offending, and being thereof lawfully convicted, ſhall forfeit and pay the ſum of fifty pounds, to be levied and applied as herein is directed and declared.

Application of penalties, if ſued for within ſix months.

LVI. And be it further enacted, That all pecuniary penalties hereby impoſed ſhall be divided and diſtributed (if a proſecution or ſuit ſhall be commenced for the ſame within the ſpace of ſix calendar months from the time of any ſuch penalty being incurred,) in manner following; one moiety thereof to his Maſteſty, his heirs and ſucceſſors, and the other moiety thereof, with full coſts of ſuit, to the perſon or perſons who ſhall inform and ſue for the ſame.

Pecuniary penalties amounting to 50l. where to be ſued for.

LVII. And be it further enacted, That all ſuch pecuniary penalties which ſhall amount to the ſum of fifty pounds or more, ſhall be ſued for in any of his Maſteſty's courts at *Weſtmiſter*, for offences committed in *England* and *Wales*, or *Berwick upon Tweed*, and in his Maſteſty's court of ſeſſions, court
of

of justiciary, or court of exchequer in *Scotland*, for offences committed in that part of *Great-Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than imparlance, shall be allowed.

LVIII. Provided always, and be it further enacted, That such division or distribution of the penalties as aforesaid, shall be, and is hereby confined and restricted to the prosecuting or suing for the same within the time herein-before for that purpose limited; and that, in default of such prosecution or suit within the time aforesaid, no informer or informers shall have or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable by information, at the instance of his Majesty's attorney general, or the lord advocate of *Scotland*; any thing herein contained to the contrary notwithstanding.

All penalties not sued for within six months, to belong to his Majesty.

LIX. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any justice of the peace, residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty, not amounting to fifty pounds; which said justice of the peace is hereby authorised and required, upon any information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact; and, upon due proof made thereof, either by the voluntary confession of the party, or by oath of one or more credible witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, and to award and issue out his warrant, under his hand and seal, for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus (if any;) and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of six months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he, she, or they shall and may (upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed,) appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay costs, occasioned by such appeal, as to them shall seem meet. Provided always, That if the next general quarter sessions of

Any justice may determine any offence against this act, if the penalty be less than 50*l*.

Person aggrieved may appeal to the quarter sessions.

the

the peace shall fall within six days after such conviction, it shall and may be lawful for the person so convicted, if he shall think fit, giving such security as aforesaid, to appeal to the next subsequent quarter sessions.

Penalty on witnesses who shall refuse to appear, or to be examined, etc.

LX. And be it further enacted, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace, or appearing shall refuse to be examined on oath, and give evidence before such justice or justices of the peace, before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as are herein-before directed as to other penalties.

Summonses or the proprietors of diligences, etc. left with the book-keeper, etc. shall be deemed good service.

LXI. And be it further enacted, That all summonses, issued by any justice of the peace, in pursuance of this act, against the owners or proprietors of any coaches, diligences, or other carriages required to be licensed by this act, that shall be left at the inn or other place where the diligence, coach, or other carriage, shall put up, with the book-keeper or other person who shall keep the books for taking places in such coaches, diligences, or other carriages, shall be deemed good service on the owners or proprietors of such coaches, diligences, or other carriages, although such owners or proprietors shall not have a residence or habitation in such inn or place.

LXII. And be it further enacted, That a conviction in the form, and to the effect following, (*mutatis mutandis*;) as the case shall happen to be, shall be good and effectual, to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any particular manner; that is to say:

Form of conviction.

BE it remembered, That on the _____ day of _____ in the _____ year of our Lord _____ at _____ in the county of _____ A. B. came before me C. D. one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, and informed me, that E. F. of _____ on the _____ day of _____ now last past, at _____ in the said county, did [here set forth the fact for which the information is laid;] whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me on the _____ day of _____ at _____ in the said county, and having heard the charge contained in the said information, declared he was not guilty of the said offence, [or, as the case may happen to be,] did not appear before me pursuant to the said summons, [or, did neglect and refuse to make any defence against the said charge,] but the same being duly proved upon the oath of G. H. a credible witness, [or, as the case may happen to be,] acknowledged and voluntarily confessed the same to be true; and it manifestly

manifeſtly appearing to me that he the ſaid E. F. is guilty of the offence charged upon him in the ſaid information, I do therefore hereby convict him of the offence aforeſaid, and do declare and adjudge, that he the ſaid E. F. hath forfeited the ſum of _____ of lawful money of Great Britain, for the offence aforeſaid, to be diſtributed as the law directs, according to the form of the ſtatute in that caſe made and provide^d. Given under my hand and ſeal, the _____ day of _____

LXIII. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid juſtice, where he ſhall ſee cauſe, to mitigate and leſſen any ſuch penalties as he ſhall think fit, reaſonable coſts and charges of the officers and informers, as well in making the diſcovery as in proſecuting the ſame, being always allowed over and above ſuch mitigation, and ſo as ſuch mitigation do not reduce the penalties to leſs than a moiety of the penalties incurred, over and above the ſaid coſts and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding.

Juſtice may mitigate the penalties.

LXIV. And be it further enacted, That the ſeveral duties herein-before granted ſhall be paid from time to time into the hands of the receiver general for the time being of the duties on ſtamped vellum, parchment, and paper, who ſhall keep a ſeparate and diſtinct account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges of rating, paying, and accounting for the ſame, being deducted) into the receipt of the exchequer, at ſuch time, and in ſuch manner, as the duties now charged on ſtamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the ſaid receipt there ſhall be provide^d and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and duties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Majeſty, his heirs or ſucceſſors, upon any account whatsoever.

Receiver general of ſtamp-duties to pay the duties granted by this act into the exchequer.

Auditor to keep ſeparate account thereof.

LXV. And whereas, by an act made in the nineteenth year of his preſent Majeſty's reign, certain duties were granted on licences to be taken out by perſons ſetting out, to hire for travelling poſt, and certain duties payable on ſuch horſes uſed to hire, and upon certain carriages therein mentioned; which duties, with ſundry other duties granted in the ſame ſeſſion of parliament, were made a fund for payment of the ſeveral annuities granted by an act of the ſame ſeſſion of parliament; and which ſaid duties were, by an act of the twentieth year of his ſaid Majeſty, repealed, and other duties granted in lieu thereof, and made applicable to the ſame uſes and purpoſes as the duties ſo repealed; and by one other act, of the twenty third year of his preſent Majeſty's reign, certain additional duties were granted on ſtage coaches, and other carriages; and were, together with other duties, made a fund for payment of annuities granted by an act of the ſame ſeſſion of parliament; be it therefore enacted, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, the yearly ſum of eighty-four thouſand pounds

Receiver appointed of the duties granted by former acts.

Application of the duties granted by this act.

pounds be reserved and fet apart, and applied quarterly, at the receipt of the exchequer, out of fuch monies as fhall from time to time arife, as well by the duties granted by this act, as of the arrears of the feveral duties hereby repealed, and fhall be applied towards paying the annuities granted by the faid act of the nineteenth year of his prefent Majefty's reign; and that the yearly fum of forty thoufand pounds be alfo reserved and fet apart, and applied quarterly, at the receipt of the exchequer, out of fuch monies as fhall from time to time arife there, as well by the faid duties granted by this act, as of the arrears of the feveral duties hereby repealed, and fhall be applied towards paying the annuities granted by the faid act of the twenty-third year of his prefent Majefty's reign; and that out of the monies which fhall be paid into the receipt of the exchequer, of the duties hereby repealed, and out of the duties granted by this act, a proportional part of the two fums of eighty-four thoufand pounds, and forty thoufand pounds, fhall, from the fift day of *Auguft*, one thoufand ~~seven~~ hundred and eighty-five, to the tenth day of *October*, one thoufand feven hundred and eighty-five, be fet apart and applied towards payment of the annuities granted by the faid feveral acts of the nineteenth and twenty-third years of his prefent Majefty's reign; and the refidue of the produce of the faid rates and duties fhall be a fund for the payment of the feveral annuities, and all fuch other charges and expences as are directed to be paid and payable purfuant to an act of this prefent feflion of parliament, intituled, *An act for granting annuities to fatisfy certain navy, victualling, and tranfport bills, and ordnance debentures.*

Part of an act
of 9 Annuæ
repealed.

LXVI. And be it further enacted, That fo much of an act made in the ninth year of the reign of her late majefty Queen Anne, intituled, *An act for eftablifhing a general poft-office for all her Majefty's dominions, and for fettling a weekly fum out of the revenues thereof for the fervice of the war, and other her Majefty's occafions*, as reftrains any perfons, other than the poftmafter-general for the time being, and the refpective deputies and fubftitutes of fuch poftmafter-general, from preparing or providing, or from letting to hire, or furnifhing horfes or furniture for riding poft within this kingdom, fhall be, and the fame is hereby repealed and made void.

Perfons fued
for any thing
done in pur-
fuanee of this
act, may plead
the general
iffue,

LXVII. And be it further enacted, That if any perfon or perfons fhall at any time or times be fued, molefted, or profecuted, for any thing by him or them done or executed in purfuanee of this act, or of any clause, matter, or thing herein contained, fuch perfon or perfons fhall or may plead the general iffue, and give the fpecial matter in evidence for his or their defence; and if upon the trial a verdict fhall be paffed for the defendant or defendants, or the plaintiff or plaintiffs become nonfuit, then fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

and recover
treble cofts.

C A P. LII.

An act for better examining and auditing the publick accounts of this kingdom.

WHEREAS the present method of accounting for the receipts, Preamble.
 issues, and expenditures of the publick money, before the auditors of the imprest, is become insufficient to answer the good purposes intended thereby; for remedy whereof, it is important that a more effectual method shall be provided in future for examining the publick accounts of the kingdom, and for preventing, so far as possible, all delays, frauds, and abuses, in delivering in and passing the same: and whereas it is expedient, for the effecting thereof, that the right vested in the right honourable lord Sondes, and the right honourable John Stuart commonly called Lord Viscount Mountstuart, now lord Cardiff, which they derive from the patents granted to them respectively, as auditors of the imprest, should cease and determine, on due compensation being made to them for their interest in the same; and that all fees, gratuities, and perquisites, in the office of the auditors of the imprest, should be forthwith abolished; and that every officer and clerk in the said office or department should be paid by the publick a certain fixed annual salary, in lieu of all such fees, gratuities, and perquisites: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, From July 5, 1785, the patents granted to the auditors of the imprest vacated.
 from and after the fifth day of July, one thousand seven hundred and eighty-five, the patents granted by his late and present Majesty, under the great seal of Great Britain, to the said lord Sondes, and the said lord Mountstuart, as auditors of the imprest, shall be vacated; and that all the powers, authorities, rights, privileges, and advantages, thereby granted and given, shall cease and determine from the fifth day of July, one thousand seven hundred and eighty-five; from and after which time, no fee, gratuity, perquisite, or emolument, shall be received or taken by any person or persons whomsoever, employed in the making up, passing, or auditing any publick accounts under the authority of this act.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to affect the rights of any officer or minister of the exchequer, other than the auditors of the imprest, or any person or persons under them. Not to affect other officers of the exchequer.

III. And whereas it is just and proper that the said lord Sondes, and lord Mountstuart, should have a reasonable and equitable provision during their lives, in lieu of the profits and emoluments of the said offices of auditors of the imprest, of which they are divested under this act; be it enacted, That, from and after the said fifth day of July, one thousand seven hundred and eighty-five, there shall be paid, out of the aggregate fund, to the said lord Sondes, the annual sum of seven thousand pounds clear of all deductions, Compensation to the auditors in lieu of the emoluments of their offices.

and to the said lord Mount Stuart the like annual sum of seven thousand pounds clear of all deductions, during their lives respectively, by equal quarterly payments; the first payment to be made on or immediately after the tenth day of October following.

His Majesty may appoint five commissioners for auditing the publick accounts.

IV. And, in order effectually to provide such examination of all publick accounts in future as may be necessary for the security of the publick interest, be it further enacted, That it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint five commissioners, by letters patent under the great seal of Great Britain, two of whom shall be the comptrollers of the army accounts, now and hereafter for the time being; and to grant fixed salaries to each of the said commissioners, to be paid out of the aggregate fund, not exceeding in the whole the sum of four thousand pounds clear of all deductions annually, who shall be styled, *The commissioners for auditing the publick accounts*, and shall hold their offices *quam diu se bene gesserint*, (except the said comptrollers of the army accounts, who shall continue to be commissioners for auditing the publick accounts so long only as they shall be comptrollers of army accounts;) and shall, before they shall enter upon the execution of the powers vested in them by this act, take an oath before the chancellor of the exchequer, which he is hereby authorized and required to administer, the tenor whereof shall be as followeth; (That is to say:)

Commissioners to be sworn.

Their oath.

I A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act for better examining and auditing the publick accounts of this kingdom.

So help me GOD.

Treasury to appoint officers for preparing publick accounts;

and to allow them salaries, etc.

V. And be it further enacted, That the lord high treasurer, or the commissioners of the treasury, or any three of them, shall be, and he or they are hereby authorized to appoint such officers and clerks, and other persons, as shall appear to them to be necessary, from time to time, for making up and preparing for declaration the several publick accounts of the kingdom, with such fixed salaries to each as they shall judge proper; and to allow such reasonable sums, as to them shall seem fit, from time to time, for stationary, coals, candles, and other incidental charges to be incurred in the office for auditing the publick accounts, to be paid out of the aggregate fund, not exceeding in the whole the annual sum of six thousand pounds clear of all deductions, which shall be to the several officers, clerks, and other persons, in lieu of all fees, gratuities, and perquisites whatsoever.

VI. And whereas it is just and reasonable that some provision should be made for certain persons during their lives, who now hold employment under the before mentioned auditors of the imprest, and
i
for

for others who have retired therefrom upon annual allowances paid to them by the said auditors; be it enacted, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, there shall be paid out of the aggregate fund to Philip Deane esquire, deputy to the lord viscount Mountstuart, and to John Wiggintworth esquire, deputy to the lord Sondes, the annual sum of three hundred pounds each; to John Lloyd, formerly deputy to the lord Sondes, the annual sum of three hundred pounds; and to Charles Harris, formerly one of the clerks in the office of the lord viscount Mountstuart, the annual sum of two hundred pounds; the said several sums to be clear of all deductions, by equal quarterly payments, the first payment to be made on or immediately after the tenth day of October, one thousand seven hundred and eighty-five.

Annuities to be allowed to certain officers under the auditors;

VII. Provided always, and be it enacted, That the annuities made payable by this act to the several persons herein-before named, shall be issuing and payable out of, and charged and chargeable upon the duties and revenues which compose the fund commonly called *The Aggregate Fund*, and every or any of them, (after paying, or reserving sufficient to pay, all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same.)

and to be charged on the aggregate fund.

VIII. And be it further enacted, That the commissioners to be appointed under the authority of this act shall be, and they are hereby invested with all the powers and authorities, and shall be subject to the performance of the same duties, and liable to the same controul, which the auditors of the imprest are now by law, usage, or custom invested with, or are subject or liable to, except as the same are or shall be altered or affected by this act; and the said commissioners, or any three of them, shall, and they are hereby authorized to administer to every of the officers and clerks, who shall be appointed as before directed, an oath, for his true and faithful demeanor in all things relating to the due performance of the trust reposed in him.

Commissioners to be vested with all the powers, etc. of the auditors;

IX. And be it further enacted, That the said commissioners, or their successors, shall be, and they are hereby authorized and required to call before them, by precepts under their hands, or the hands of any three or more of them, all such persons as shall have received any sum or sums of money by way of imprest, or in any other manner, for which they shall be accountable, to attend upon them personally, from time to time, as they shall be required, and to exhibit to them the said commissioners, or any three or more of them, all such accounts, books, certificates, warrants, muniments, receipts, or other papers whatsoever, in the possession of such persons, which shall appear to be necessary for the purposes of their examination; and it shall and may be lawful for the said commissioners, or any three of them, and they are hereby authorized, when they shall see occasion, to cause search to be made, or extracts to be taken from the books, rolls, or records, in the custody or keeping of

and to administer oaths to their officers.

Commissioners may call before them all persons who have received money by way of imprest, etc.

any officer or minifter in the court, or in the receipt of the exchequer, without paying any fee or reward for the fame.

Commissioners to examine accounts as soon as poffible.

X. And be it further enacted, That the faid commissioners, or any three or more of them, fhall try and examine the feveral accounts and vouchers, which fhall be tranfmitt^d to them from time to time, with as little delay as poffible, and upon trial and examination thereof, fhall make full, juft, and perfect accounts, or declarations of accounts, containing briefly the fum and fubftance thereof in charge and difcharge.

Directions relative to auditing accounts.

XI. And be it further enacted, That in auditing and examining all publick accounts, the commissioners fhall allow fuch articles of difcharge only, as the faid accountants refpectively fhall have been duly authorifed to incur, unlefs, upon a fpecial ftatement of the matter to the lord high treafurer, or commissioners of the treafury, the faid commissioners fhall be directed to make further or other allowances to the faid accountants accordingly, by warrant under the hand of the faid lord high treafurer, or the commissioners of the treafury, or any three of them.

Commissioners may examine accountants on oath.

XII. And, for the rendering more effectual all fuch examinations as are intended to be had under this aft, be it enacted, That it fhall and may be lawful for the commissioners, to be appointed by authority thereof, or any three of them, and they are hereby authorifed and required to examine upon oath (which oath they, or any three or more of them, are hereby authorifed to adminifter), all accountants whom they fhall find occafion to call before them, and all other perfons whom the faid commissioners, or any three or more of them, fhall think fit to examine, touching the receipt and expenditure of the money forming the charge and difcharge of each account refpectively, and touching all other matters and things neceffary for the due execution of the powers vefted in the faid commissioners by this aft.

Penalty on perfons giving falfe evidence before the commissioners.

XIII. And be it further enacted by the authority aforefaid, That in cafe any perfon or perfons, in the courfe of their examination upon oath before the commissioners, to be appointed as before provided, or their fucceffors, fhall wilfully and corruptly give falfe evidence, fuch perfon or perfons fo offending, and being thereof duly convicted, fhall be, and is and are hereby declared to be fubject and liable to fuch pains and penalties as, by any law now in being, perfons convicted of wilful and corrupt perjury are fubject and liable to.

Commissioners to make up a ftate of accounts, and lay them before the treafury.

XIV. And be it further enacted, That when the examinations of each account fhall be compleated by the faid commissioners, they, or any three of them, fhall, and they are hereby required to make up a ftate thereof, and lay the fame before the lord high treafurer, or the commissioners of the treafury, who, after due confideration of all particulars, fhall grant their warrant to the faid commissioners to prepare the fame for declaration, in the manner and form which has been accuftomed.

XV. And be it further enacted and declared, That all accounts

counts of the expenditure of the publick money, which have heretofore been passed in the office of the auditors of the imprest, shall, from and after the fifth day of July, one thousand seven hundred and eighty-five, be delivered to the commissioners to be appointed under the authority of this act, together with the vouchers belonging thereto.

Accounts of expenditure of publick money to be delivered to the commissioners.

XVI. *And whereas it is necessary that the commissioners to be appointed under the authority of this act should have early information respecting the issues of money from the exchequer to persons on account,* be it enacted and declared, That the auditor of the exchequer shall transmit to the said commissioners a certificate of all monies issued from the exchequer to persons by way of imprest, and upon account, in like manner as he now doth to the auditors of the imprest.

Auditor to transmit to the commissioners a certificate of monies issued upon account.

XVII. *And whereas great losses and inconveniencies have arisen to the publick by sub-accountants not having been put in charge till a long time has elapsed after the monies were issued to them,* be it enacted, That the paymaster general of his Majesty's forces, the treasurer of the navy, the treasurer of the ordnance, and every other publick officer who shall hereafter pay into the hands of any person or persons whomsoever, money for publick services, by way of imprest, or on account, shall, within thirty days of the thirty-first day of December, one thousand seven hundred and eighty-five, and within thirty days of the thirty-first day of December in every future year, transmit an account of all sums of money issued or paid by him or them to any person or persons, for the publick service, within the preceding year, to the commissioners to be appointed under the authority of this act; who shall, and they are hereby required forthwith to transmit duplicates of the same to his Majesty's remembrancer in the court of exchequer, who shall immediately, on receipt of such accounts, put the several sums so issued in charge against the parties, in like manner as is now practised with respect to persons who receive money by way of imprest, and on account, at the receipt of his Majesty's exchequer.

Paymaster of the forces, etc. to transmit to the commissioners an account of all monies issued by them by way of imprest, etc.

XVIII. Provided always, and be it enacted, That no accountant shall be allowed in his account any sum which he shall issue or pay over to any sub-accountants, unless he shall have transmitted to the said commissioners regular accounts thereof, in the manner and within the times above mentioned; unless proof shall be produced, to the satisfaction of the lord high treasurer, or the commissioners of the treasury, that any failure of transmitting the same did not happen from the wilful neglect of the person issuing or paying over the money as aforesaid.

Accountants not to be allowed any sum they shall neglect to transmit an account of, as above mentioned.

XIX. *And whereas it is highly important, towards effecting the purposes intended by this act, that the commissioners to be appointed under the authority thereof should be empowered to compel accountants to bring forward their accounts;* be it enacted, That the said commissioners shall, so often as they shall think fit, call upon such persons to whom sums of money have been, or shall be so

Commissioners may compel accountants to bring forward their accounts.

issued and paid, to render an account of the same to them the said commissioners, within a time to be by them limited; and on failure of the accounts being delivered accordingly, within the time so limited, the said commissioners shall, and they are hereby required to include the names of all such defaulters in their certificates, transmitted to the office of his Majesty's remembrancer, in order that the usual process may issue thereupon; and also, in case they shall see cause, they are hereby required to give notice thereof to his Majesty's attorney general in *England*, his Majesty's advocate in *Scotland*, or his Majesty's attorney general in any of the colonies or plantations belonging to the crown of *Great Britain*, as the case may require, in order that such motions may be made by the said officers to the court of exchequer, or other proper court, and such further or other process may be issued in order to his moving the court of exchequer in *England* or *Scotland*, or the proper court in the colonies or plantations, for special process to be issued against such defaulter or defaulters, as may be deemed necessary to compel him or them to deliver in his or their accounts, as directed by the said commissioners, unless, upon application of the parties, their agents or attorneys, to the lord high treasurer, or the commissioners for executing that office, on a special statement of circumstances to justify delay, the said lord high treasurer, or commissioners of the treasury, shall grant them warrant to stay the process for such reasonable time as they shall think fit.

Sub accountants to deliver to the commissioners, vouchers for expenditure of monies issued to them, within certain limited times.

XX. And be it further enacted and declared, That every sub-accountant to whom money shall hereafter be issued for publick services, in case the money so issued shall have been for services to be performed in *Great Britain*, shall deliver in to the office of the commissioners to be appointed by virtue of this act, the vouchers for the expenditure thereof, together with an account current, within three months of the end of each year from the commencement of his account, unless it has been usual for such account to be made up to any fixed period in the year; in which case they shall be delivered within three months of the usual annual time of the determination of each account respectively; and in case such monies shall have been issued for services to be performed in any part of *Europe* out of this kingdom, then the vouchers shall be delivered within four months of the expiration of each year's accounts; if in the *West Indies*, the continent of *America*, or in *Africa*, within six months after the expiration of each year's accounts; and if in the *East Indies*, within twelve months after the expiration of each year's accounts; unless it shall in each and every case be made appear, to the satisfaction of the commissioners of the treasury, that the failure of transmitting the same, within the periods before-mentioned, was unavoidable; in which case such farther delay may be granted, by warrant under the hands of the commissioners of the treasury, or any three of them, as they shall judge reasonable; and in such cases the vouchers shall be delivered at the expiration of the term of delay so granted, on pain, upon failure

in any of the above-mentioned cases, of paying such fine to his Majesty as the court of exchequer, on application made to them, shall think fit to set and impose; which fine the said court is hereby authorised and empowered to set and impose accordingly.

XXI. And be it further enacted, That process shall in no case be issued from the court of exchequer, against any sub-accountant, who is to account to the principal officers of the board of ordnance, or the principal officers and commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, or the commissioners for sick and hurt, respectively, for sums which have been issued to such sub-accountants by the treasurer of the ordnance, or the treasurer of the navy, without directions being previously given for that purpose by the lord high treasurer, or the commissioners of the treasury, after a reference of their cases to the commissioners of the boards above mentioned respectively, and a report made thereupon. Provided always, That no process shall issue against any such sub-accountant until twelve months shall have elapsed from the time of the making up the accounts of the said treasurer annually.

Process not to issue against certain sub-accountants, without directions from the treasury.

XXII. Provided always, and be it enacted, That when any sub-accountant or sub-accountants shall transmit to the commissioners to be appointed under the authority of this act, a sufficient and satisfactory discharge from the principal officers of the ordnance, the commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, or the commissioners of sick and hurt, for any monies he or they shall have received in the said departments severally, the said commissioners shall transmit a duplicate of the same to his Majesty's remembrancer in the court of exchequer, who shall forthwith strike out the name or names of such sub-accountant or sub-accountants from the imprest roll; and such sub-accountant or sub-accountants shall from thenceforth be discharged from any other or further account for the same.

When sub-accountants transmit a discharge from the officers of ordnance, etc. their names to be struck out of the imprest roll.

XXIII. And be it further enacted and declared, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, no article shall be allowed in the account of any person intrusted with the expenditure of the publick money, without a written voucher, or other evidence of the actual payment of every sum so claimed to be allowed, notwithstanding any allegation of papers being lost or destroyed, except on application to the court of exchequer, who shall, and they are hereby authorised and required, on such application, to call before them, as well the said commissioners, or some person on their behalf, as the party accounting, and shall cause notice thereof to be sent to his Majesty's attorney general; and after hearing as well the evidence, which shall be brought on the part of the crown by the said attorney general, or the said commissioners, as that which shall be brought on the part of such accountant, the said court shall make such order as they shall

No article to be allowed in accounts of expenditure of publick money, without a written voucher, etc.

Anno vicesimo quinto GEORGII III. C. 53, 54. [1765.]

think fit; and the several officers and persons, whose duty it shall be to audit and make up the accounts, shall govern themselves accordingly.

Books, etc. in the auditors offices to be delivered to the commissioners.

XXIV. And be it further enacted and declared, that all official books, papers, and accounts whatsoever, now remaining in either of the offices of the auditors of the imprest, or which have been usually, or ought to have been kept therein, shall be deemed to be publick property, and shall be delivered over to the commissioners to be appointed under the authority of this act.

Commissioners not to sit in the house of commons.

XXV. Provided always, and be it enacted and declared, That no commissioner appointed or to be appointed by virtue of this act, shall, during his continuance in such office, be capable of being elected, or of sitting as a member of the house of commons.

C A P. LIII.

An act for settling an annuity of nine thousand pounds on his royal highness the duke of Gloucester, in lieu of the like annuity payable out of the duties of four and one half per centum in Barbadoes and the Leeward Islands.

Most gracious Sovereign,

Preamble.

WHEREAS your Majesty has been pleased to communicate to your faithful commons, that your Majesty King, in the year one thousand seven hundred and sixty seven, settled an annuity of nine thousand pounds as a provision in part for the honourable support and maintenance of your Majesty's dearly beloved brother, the duke of Gloucester, payable out of the duties of four and one half per centum in Barbadoes and the Leeward Islands; and that your Majesty understanding the said fund is not sufficient for the regular payment of the said annuity, and of the other charges upon the same; and your Majesty having been pleased to recommend to the consideration of your faithful commons, to make such provision as may appear to be reasonable for substituting some other fund, out of which the said annuity may be paid in future: now, we, having taken into consideration your Majesty's most gracious message, do most humbly beseech your Majesty that it may be enacted, &c.

An annuity of 9,000*l.* per ann. to be paid to the duke of Gloucester, out of the aggregate fund, to commence April 5, 1785; and to be paid quarterly. Commissioners of treasury to direct the auditor to make forth debentures accordingly. Warrant, when signed, to be valid in law. Commissioners of the treasury, etc. to do all things required by this act, without etc. The receipt of the duke of Gloucester, etc. to be a sufficient discharge.

C A P. LIV.

An act for better securing the duties upon coals, culm, and cinders.

From Aug. 1, 1785, collector, etc. not to clear coastwise, etc. any vessel laden with coals, culm, or cinders, until the master shall deliver two proper certificates; one of which, after being signed, etc. shall be returned

turned to the maſter. Any fitter, etc. making default in delivering certificates, to forfeit ſol. Coals cleared coaſtwiſe, and delivered beyond ſea, before the duties on exportation be paid, and the owner, before he clears out again, to pay thoſe duties before due, and alſo 3s. per chaldron. Upon the ſhip of the veſſel being forced from the coaſt into foreign parts, by contrary winds, etc. a certificate thereof to be granted to the maſter, that his coaſt bond may be diſcharged, etc. Entry and register of fitters certificate to be evidence. Penalty to be recovered by action or information; one moiety to the King, the other to the proſecutor. Defendants may plead the general iſſue, and give the act in evidence, and recover treble coſts.

C A P. LV.

An act for granting to his Maſteſty certain duties on licences, to be taken out by perſons vending gloves or mittens; and alſo certain duties on gloves and mittens ſold by retail.

Moſt gracious Sovereign,

WE, your Maſteſty's moſt dutiful and loyal ſubjects; the commons of *Great Britain*, in parliament aſſembled, towards raiſing the neceſſary ſupplies which we have granted to your Maſteſty in this ſeſſion of parliament, have voluntarily reſolved to give and grant unto your Maſteſty the ſeveral rates and duties herein-after mentioned; and do moſt humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the uſe of his Maſteſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay), all perſons uttering or vending in *Great Britain*, any gloves or mittens, made of ſilk or leather, or any other material or materials, ſhall annually take out a licence for that purpoſe, in manner herein-after preſcribed:

From Aug. 1, 1785, the following duties to be paid by venders of gloves:

For every licence granted to any perſon ſo uttering or vending ſuch gloves or mittens, as aforeſaid, there ſhall be charged a ſtamp-duty of one ſhilling:

For an annual licence, 1s.:

For every pair of gloves or mittens, made of ſilk or leather, or any other material or materials, above the price or value of four-pence, and not exceeding the price or value of ten-pence, which ſhall be uttered, vended, or ſold by retail in *Great Britain*, there ſhall be charged a ſtamp-duty of one penny:

For every pair of gloves or mittens re-tailed, from 4d. to 10d.—1d.:

For every pair of gloves or mittens, made of ſilk or leather, or any other material or materials, above the price or value of ten-pence, and not exceeding the price or value of one ſhilling and four-pence, which ſhall be uttered, vended, or ſold by retail in *Great Britain*, there ſhall be charged a ſtamp-duty of two-pence:

From 10d. to 1s. 4d.—2d.:

For

Abolished. 4d.
—; d.

For every pair of gloves or mittens, made of silk or leather, or any other material or materials, exceeding the price or value of one shilling and fourpence, which shall be uttered, vendid, or sold by retail in *Great Britain*, there shall be charged a stamp-duty of three-pence.

Duties to be under the management of the commissioners of stamps.

II. And be it further enacted, That, for the better and more effectual levying and collecting all the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby, required and empowered to employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said duties, as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act into execution, with relation to the said rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

Persons selling gloves or mittens without a licence, to forfeit 20 l.

III. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, no person whatsoever, required by this act to be licensed, shall, unless he or she be licensed in manner herein-after prescribed, utter, vend, or sell, any gloves or mittens, made of silk, leather, or any other material or materials, in *Great Britain*, upon pain to forfeit, for every offence, the sum of twenty pounds, to be recovered and applied as herein after is directed.

Two commissioners may grant licences.

IV. And be it further enacted, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed for managing the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to sell gloves or mittens, in any city, town, or other place within *Great Britain*, for the space of one year, to commence from the said first day of *August*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said first day of *August*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence; and all and every person and persons, who shall take out such licence for selling gloves, or mittens, shall take out a fresh licence for another year, ten days at least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to sell gloves or mittens; and shall in like manner renew such licence from year to year, paying down the respective sums due for the stamps on such licence, as long as he or she shall continue to sell gloves or mittens.

Licences to be renewed annually.

V. And

V. And be it further enacted, That every perſon vending or expoſing to ſale gloves or mittens by retail, ſhall cauſe the words, *Dealer in Gloves*, to be painted or written in large and legible characters, either over the door, or in ſome viſible place in the front of his or their houſe, ſhop, or warehouſe, at the reſpective place at which he or they keep ſuch gloves for ſale, to denote that ſuch perſon or perſons is a dealer in gloves, and ſo ſentenced for that purpoſe: and if any perſon ſhall preſume to ſell any gloves or mittens by retail, without fixing or hanging out ſuch notice as aforeſaid, every perſon to vending or expoſing to ſale any gloves or mittens ſhall, for every pair of gloves or mittens ſo ſold, forfeit and pay the ſum of five pounds, to be recovered and diſtributed as hereinafter is directed.

VI. And be it further enacted, That if any perſon or perſons ſhall cauſe the words, *Dealer in Gloves*, to be affixed or put on the front of his, her, or their houſe or ſhop, or warehouſe, without being ſo ſentenced as aforeſaid, he, ſhe, or they ſo offending, ſhall, on every offence, forfeit the ſum of forty pounds.

VII. *But whereas doubts may ariſe what perſons or perſons may be conſidered as a retail dealer or dealers in gloves, with a view to the execution of the Act*, be it therefore enacted and declared, That all perſons who ſhall ſell any leſs quantity than twelve dozen pair of gloves or mittens at one time, to any one perſon, ſhall be deemed a retailer of gloves.

VIII. *In order to ſecure the duty aforeſaid*, be it further enacted, That every perſon, uttering or vending by retail, or expoſing to ſale, any gloves or mittens liable to the ſaid duty hereby impoſed, ſhall apply to the commiſſioners of ſtamps, or to the officers appointed by them, for paper tickets, ſtamped with the ſeveral and reſpective duties hereby impoſed, to be paſſed or affixed, by the perſon or perſons ſo uttering or vending by retail ſuch gloves or mittens as aforeſaid, to the inſide of the right hand glove or mitten, in ſuch manner and form as the ſaid commiſſioners ſhall direct; and every pair of gloves or mittens, uttered, vended, or ſold by any retail dealer, ſhall have affixed upon the inſide of the right hand glove of each ſuch pair, ſuch ſtamped ticket, mark, or device, in ſuch manner and form, and in ſuch part thereof, as the commiſſioners of his Majeſty's ſtamp-duties ſhall from time to time direct.

IX. And be it further enacted, That if any retail dealer ſhall vend, utter, ſell, or expoſe to ſale, or if any perſon or perſons ſhall purchaſe, or receive in exchange for any other article, any gloves or mittens, ſubject to the ſtamp-duties hereby impoſed, unleſs the ſtamp ticket hereby directed to be affixed to the ſame ſhall be affixed, and marked and ſtamped as by this act is directed, or that ſhall have any ticket affixed thereto marked or ſtamped with a ſtamp or mark of leſs denomination or value than by this act is directed to be affixed; every ſuch perſon and perſons ſo offending ſhall forfeit and pay, for every ſuch pair of gloves or mittens ſo ſold, uttered, or expoſed to ſale, or ſo bought or received in exchange, the ſum of twenty pounds; to be

All perſons vending gloves to have certain words placed on the front of their ſhops, etc.

on penalty of 5l. for every pair ſold.

Penalty on affixing ſuch words without being ſo ſentenced.

Who ſhall be deemed retailers of gloves.

Retailers of gloves to apply to the commiſſioners of ſtamps for tickets to be affixed on gloves.

Penalty on ſelling, etc. any gloves without a proper ſtamp.

be recovered and applied as herein-after is directed: and if the party so offending shall be a retail dealer, licensed pursuant to this act, the said commissioners of stamps shall and may, if they shall so think fit, after conviction of the offender, refuse to grant to such offender any licence in future.

Not to extend to one licensed dealer selling to another.

X. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any person licensed in pursuance of this act, who shall sell to any retailer of gloves or mittens also licensed, any gloves or mittens, although the stamp ticket hereby directed to be affixed to the same shall not be affixed, and marked and stamped as by this act is directed.

Penalty on taking out any stamp, or affixing the same to any other gloves, with a fraudulent intent.

XI. And, to prevent the mark or stamp, hereby directed to be used, which has been directed to be affixed to any pair of gloves or mittens, from being again used to affix to any other pair of gloves or mittens, be it enacted, That if any person or persons shall, with intent to defraud his Majesty of the duties hereby imposed, cut, tear, or take off, any mark or stamp, in respect whereof or by which any duties are hereby payable for any pair of gloves or mittens, or shall, with the like intent, affix or paste on in any pair of gloves or mittens, any ticket hereby directed to be stamped, the same having been once made use of for the purpose aforesaid, and shall hereafter knowingly sell, utter, or expose to sale, any pair of gloves or mittens with such ticket so fraudulently cut from, taken off, or removed, then, so often and in every such case, aid and every person and persons so offending in any of the particulars before mentioned, shall forfeit the sum of twenty pounds; to be recovered and applied as herein-after is directed.

Penalty on buying or selling any such used tickets.

XII. And, to prevent any persons from selling or buying any ticket or tickets which have been before sold and made use of for denoting any of the duties by this act imposed, and for preventing such frauds, be it enacted, That if any person shall, from and after the first day of August, one thousand seven hundred and eighty-five, sell or buy any such ticket, in order to be again made use of, to be sold with and affixed to any glove or mitten liable to the duty hereby imposed, every such person so offending shall, for every such offence, forfeit the sum of twenty pounds; to be recovered and applied as herein-after is directed.

Buyer or seller informing against the other shall be indemnified.

XIII. Provided always, and be it enacted, That if either buyer or seller of any such ticket, or of any pair of gloves or mittens not having the proper ticket affixed thereto as aforesaid, shall inform against the other party concerned in buying or selling such ticket, or such glove or mitten not having the proper stamped ticket affixed thereto as aforesaid, the party so offending shall be admitted to give evidence against the party informed against, and shall be indemnified from the penalties by him or her incurred.

Gloves, in their bills, to make a separate charge for the stamps.

XIV. And be it further enacted, That where any retail dealer in gloves and mittens shall deliver in any bill or charge for any gloves or mittens subject to the duties hereby imposed, such person or persons shall make a distinct and separate charge for

for the ſtamp or ſtamps which ſhall have been affixed to the gloves or mittens ſo charged in ſuch bill.

XV. And be it further enacted, That if any perſon or perſons ſhall counterfeit or forge, or procure to be counterfeited or forged any ſeal, ſtamp, or mark, directed or allowed to be uſed, or provided, made, or uſed in purſuance of this act, for the purpoſe of denoting the duties by this act granted, or ſhall counterfeit or reſemble the impreſſion of the ſame, upon any vellum, parchment, or paper, with an intent to defraud his Maſteſty, his heirs or ſucceſſors, of any of the ſaid duties; or ſhall utter, vend, or ſell, any vellum, parchment, or paper, with a counterfeit mark or ſtamp thereupon, knowing ſuch mark or ſtamp to be counterfeited; or if any perſon ſhall privately and fraudulently uſe any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, with intent to defraud his Maſteſty, his heirs or ſucceſſors, of any of the ſaid duties; then every ſuch perſon ſo offending, and being thereof convicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Penalty on counterfeit-
ing ſtamps,
etc.

XVI. And be it further enacted by the authority aforeſaid, That all powers, provisions, articles, clauſes, and all other matters and things, preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duty on vellum, parchment, and paper, ſhall be of full force and effect with relation to the rates and duties hereby impoſed, and ſhall be applied and put in execution for raiſing, levying, collecting, and ſecuring the ſaid new rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Powers and
provisions of
former ſtamp
acts extended
to this act.

XVII. And be it further enacted by the authority aforeſaid, That all pecuniary penalties hereby impoſed, ſhall be divided and diſtributed (if ſued for within the ſpace of fix calendar months from the time of any ſuch penalty being incurred) in manner following; one moiety thereof to his Maſteſty, his heirs and ſucceſſors, and the other moiety thereof, with full coſts of ſuit, to the perſon or perſons who ſhall inform and ſue for the ſame.

Pecuniary pen-
alties (if ſued
for within fix
months) one
moiety to his
Maſteſty, and
the other to
the informer.

XVIII. And be it further enacted by the authority aforeſaid, That all pecuniary penalties, impoſed on any perſon or perſons for offences committed againſt this act, may be ſued for and recovered in any of his Maſteſty's courts at *Weſtmiſter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Maſteſty's court of ſeſſions, court of juſticiary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information; wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed.

Penalties
where to be
ſued for.

XIX. Provided always, and be it further enacted by the authority

Any informer to ſhare any ſhare of penalties ſubjects ſued for within ſix months.

authority aforeſaid, That ſuch diſviſion or diſtribution of the penalties as aforeſaid, ſhall be, and hereby confined and reſtricted to the proſecuting for the ſame within the time herein-before for that purpoſe limited; and that in default of ſuch proſecution within the time aforeſaid, no informer or informers ſhall have or be intitled to any part or ſhare of ſuch penalties; but that the whole thereof ſhall belong to his Majeſty, his heirs and ſucceſſors, and ſhall be recoverable in manner aforeſaid; any thing herein contained to the contrary notwithstanding.

Any neighbouring juſtice may determine offences ſubjecting offenders to pecuniary penalties.

XX. Provided always, and it is hereby enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any juſtice of the peace reſiding near the place where the offence ſhall be committed, to hear and determine any offence againſt this act which ſubjects the offender to any pecuniary penalty; which ſaid juſtice of the peace is hereby authorized and required, upon any information exhibited, or complaint made in that behalf, to ſummon the party accused, and alſo the witneſſes on either ſide, and ſhall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the oath of one or more credible witneſſes or witneſſes, to give judgement or ſentence for the penalty or forfeiture, according as in and by this act is directed, and to award and iſſue out his warrant under his hand and ſeal, for the levying any pecuniary penalty or forfeiture to be adjudged on the goods of the offender; and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found ſufficient to ſatisfy the penalty, to commit ſuch offender to priſon, there to remain for the ſpace of three months, unleſs ſuch pecuniary penalty ſhall be better paid and ſatisfied: and if any perſon or perſons ſhall find himſelf or themſelves aggrieved by the judgement of any ſuch juſtice, then he or they ſhall and may, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded, in caſe ſuch judgement ſhall be affirmed, appeal to the juſtices of the peace at the next general quarter ſeſſions for the county, riding, or place, who are hereby impowered to ſummon witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts, occaſioned by ſuch appeal, as to them ſhall ſeem meet.

Perſons aggrieved may appeal to the quarter ſeſſion.

Penalty on witneſſes who ſhall neglect to appear.

XXI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes, to give evidence before ſuch juſtice or juſtices of the peace, touching any of the matters relative to this act, either on the part of the proſecutor, or of the perſon or perſons accused, and ſhall neglect or reſuſe to appear, at the time and place to be for that purpoſe appointed, without a reaſonable excuſe for ſuch his, her, or their neglect or reſuſal, to be allowed of by ſuch juſtice or juſtices of the peace before whom the proſecution ſhall

shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings; to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

XXX. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; that is to say:

BE it remembered, That on the _____ day of _____ Form of conviction.
in the year of our Lord _____ in the county of _____
A. B. of _____ was convicted before me
C. D. one of His Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said A. B. on the _____ day of _____ now last past, did [here state the offence as the case may be], contrary to the statute in that case made and provided; and I do declare and judge that the said A. B. hath forfeited the sum of _____ of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs.

Given under my hand and seal, the _____ day of _____

XXIII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges, any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

XXIV. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, Duties to be paid into the exchequer,
from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt shall be provided and kept a separate from all others.
book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or received by his Majesty, his heirs or successors, upon any account

Application
thereof.

count whatſoever; and the ſaid money, ſo paid into the ſaid re-
ceipt of exchequer as aforeſaid, ſhall be a fund for the pay-
ment of the ſeveral annuities, and all other charges aforeſaid,
penſes as are directed to be paid and payable purſuant to an act
of this preſent ſeſſion of parliament, intituled, *An act for grant-
ing annuities to ſatisfy certain navy, victualling, and tranſport bills,
and ordnance debentures.*

Récital of
6 Geo. 3.
c. 19.

The recited
act extended
to all foreign
leather cut or
prepared in
order to be
made into
gloves or
mitts.

XXV. *And whereas by an act, made in the ſixth year of the reign
of his preſent Maſteſty, intituled, An act for the more effectual
encouragement of the trade and manufacture of leather gloves
and mitts in this kingdom, ſeveral forfeitures and penalties were
inſtigated to prohibit and prevent the importation and ſale of foreign
manufactured leather gloves and mitts in this kingdom: and whereas
the good purpoſes intended by the ſaid act may be evaded by the impor-
tation of foreign leather, which is not completely made into gloves and
mitts, but is cut into the form of gloves and mitts, called Shapes or
Trunks, to the great detriment of many of his Maſteſty's ſubjects,
who are employed in the manufacture of leather gloves and mitts:
for remedy whereof, be it therefore further enacted by the au-
thority aforeſaid, That, from and after the firſt day of Auguſt,
one thouſand ſeven hundred and eighty-five, the ſaid recited act
ſhall extend, and be conſtrued to extend, to all foreign leather
cut into the form of gloves or mitts, called Shapes or Trunks, or
which ſhall be cut or prepared in any other manner or form, in
order to be made into gloves or mitts, and are not proper or fit
to be uſed for, and applied to any other purpoſe whatſoever;
and the ſeveral penalties and forfeitures inſtigated by the ſaid re-
cited act, and every clause and proviſo therein contained, un-
leſs in any caſe where any alteration has been made by any ſub-
ſequent act of parliament which is now in force, ſhall be appli-
ed, practiſed, and carried into execution, for the purpoſe by
this act intended, as fully and effectually as if the ſaid recited
act, and every article, clause, and proviſo thereby enacted, had
been again repeated and inſerted in this preſent act.*

Defendants
may plead the
general iſſue,

and have
treble coſts.

XXVI. And be it further enacted by the authority afore-
ſaid, That if any perſon or perſons ſhall at any time or times
be ſued, moleſted, or proſecuted, for any thing by him or them
done or executed in purſuance of this act, or of any clause,
matter, or thing herein contained, ſuch perſon or perſons ſhall
or may plead the general iſſue, and give the ſpecial matter in
evidence for his or their defence; and if upon the trial a verdict
ſhall paſs for the defendant or defendants, or the plaintiff or
plaintiffs become nonſuited, then ſuch defendant or defendants
ſhall have treble coſts awarded to him or them againſt ſuch plain-
tiff or plaintiffs.

C A P. LVI.

An act for more effectually preventing deceits and frauds in the manufacturing of cordage for shipping, and to prevent the illicit importation of foreign-made cordage.

WHEREAS an act of parliament was made in the thirty-fifth year of the reign of Queen Elizabeth, (intituled, An act for the avoiding of deceit used in making and selling of twice-laid cordage; and for the better preserving of the navy of this realm;) which act hath been so far insufficient for the purposes thereby intended; and various other wants and frauds are frequently practised in the manufacturing of cordage for shipping; and interests such as aforesaid might be prevented, for the purpose, if the said act were repealed, and new laws for the same and other provisions and regulations given and made for that purpose: *Preamble.*
 That, *35 Eliz. c. 8.* it the King's Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same. That, *Said act repealed.* from and after the twenty-fifth day of July, one thousand seven hundred and eighty-five, the above-mentioned act shall be, and the same is hereby repealed.

II. And be it further enacted, That, from and after the said twenty-fifth day of July, no person or persons whatsoever shall use or cause to be used in the manufacturing of cables, hawfers, or other ropes, for the use of shipping, or shall knowingly vend or sell any cables, hawfers, or other ropes, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer; and if any person or persons shall, after the said twenty-fifth day of July, use or cause to be used, in the manufacturing of any cable, hawfer, or other rope, for the use of shipping, or shall knowingly vend or sell any cable, hawfer, or other rope, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer, every such person, being the manufacturer of such cable, hawfer, or other rope, shall forfeit and lose every such cable, hawfer, or other rope, and also a sum of money equal to treble the value thereof; and every person who shall knowingly vend or sell such cable, hawfer, or rope as aforesaid, not being the manufacturer thereof, shall forfeit a sum of money equal to treble the value thereof.

From July 25, 1785, no person shall make or sell any cordage for shipping, in which any hemp is used called Short Chucking, etc.

III. And, for the better diſtinguiſhing the quality of cables, hawſers, and other ropes, for the uſe of ſhipping, be it further enacted,

Cordage to be diſtinguiſhed as ſtiple or inferior.

That, from and after the ſaid twenty-fifth day of July, whenever any cable, hawſer, or rope as aforeſaid, ſhall be manufactured in the whole, or in part, of any hemp, the uſe whereof is not prohibited by this act, and the ſtiple and quality whereof ſhall be inferior to clean *Peterſburgh* hemp, ſuch cable, hawſer, or rope as aforeſaid, ſhall be deemed and taken to be inferior cordage, and the manufacturer thereof ſhall diſtinguiſh ſuch cable, hawſer, or rope as aforeſaid, by running into the ſame, from end to end of each cable, three tarred mark yarns, ſpun with turn contrary to that of rope yarn, and alſo one like tarred yarn in every other rope, for the uſe of ſhipping, and by marking or writing in the tally thereof the word *Stiple* or *Inferior*, as the caſe ſhall be; and every manufacturer making default herein ſhall forfeit the ſum of ten ſhillings for every hundred weight of ſuch cable, hawſer, or rope.

Manufacturers to affix their names, &c. to new cordage, before ſold,

IV. And be it further enacted, That, from and after the ſaid twenty-fifth day of July, whenever any new cable, hawſer, or other rope for the uſe of ſhipping, ſhall be vended or ſold by the manufacturer or manufacturers thereof, there ſhall be affixed thereon a tally, containing his or their name or names, ſigned by him or themſelves, or his or their attorney or attorneys, together with the name of the place where the ſame ſhall have been manufactured; and if any ſuch manufacturer or manufacturers, or any other perſon or perſons whoſoever, ſhall vend or ſell any ſuch cable, hawſer, or other rope, without having ſuch tally thereon as aforeſaid, he or they ſhall, for every ſuch offence, forfeit the ſum of ten ſhillings for every hundred weight thereof.

on penalty of 10s. per hundred weight.

Penalty on putting a falſe name to any cordage.

V. And be it further enacted, That if any rope maker or rope makers ſhall put, or wilfully or knowingly permit or ſuffer to be put, his or their name or names on the tally of any cable, hawſer, or other rope for the uſe of ſhipping, not being his or their own proper manufacturing; or if the vender or proprietor of any ſuch cable, hawſer, or other rope as aforeſaid, or any other perſon whoſoever, ſhall wilfully and knowingly put or mark, upon the tally to be affixed thereon, the name or names of any perſon or perſons, not being the manufacturer or manufacturers thereof, every perſon ſo offending ſhall forfeit, for every ſuch offence, the ſum of twenty pounds.

Penalty on making cables of old ſtuff, &c.

VI. And be it further enacted, That if any perſon or perſons ſhall make, or cauſe to be made, any cables of any old or worn ſtuff, which ſhall contain above ſeven inches in compaſs, then every perſon ſo offending ſhall forfeit and loſe four times the value of every ſuch cable ſo by him or her made, or cauſed to be made, as aforeſaid.

Penalties and forfeitures how to be recovered and applied.

VII. And be it further enacted, That all pecuniary penalties or forfeitures, by this act impoſed, which ſhall exceed the ſum of five pounds, ſhall and may be recovered by action, bill, plaint, or information, in any of his Maſteſty's courts of record

Justice *Minister*, wherein no *essoins*, privilege, protection, wager or more than one imparlance, shall be granted or allowed; and that all pecuniary penalties or forfeitures, by this act imposed, which shall not exceed the sum of five pounds, shall be levied and recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of any justice of the peace for the county, city, or place, wherein such offender or offenders shall reside, which warrant every such justice is hereby empowered to grant, upon the information or testimony of two or more credible witnesses upon oath; and the overplus (if any) of the money arising by such distress and sale, shall be rendered, upon demand, to the owner or owners of such goods and chattels, after deducting thereout the charges and expences of such distress and sale; and in case sufficient goods and chattels of such offender or offenders cannot be found, and such penalty or forfeiture shall not be forthwith paid, such justice shall, and is hereby authorized to commit such offender or offenders to be committed to the common gaol or house of correction, there to remain for any time not exceeding three calendar months, nor less than seven days, or until such penalty or forfeiture, and all costs and charges attending the same, be paid; and all such penalties and forfeitures, and also all costs which shall be forfeited, in pursuance of this act, shall be paid and delivered to the person or persons who shall sue or prosecute for the same, and it shall be lawful for such person or persons to sell, or otherwise dispose of such cordage, (after being cut into lengths, not exceeding twelve feet), to and for his or their own use and benefit, any thing herein-before contained to the contrary hereof notwithstanding.

VIII. *And whereas, by virtue of the laws now in being, certain duties are charged upon or payable for or in respect of foreign-made cordage imported into this kingdom: and whereas the masters of British ships and vessels, navigated into this kingdom, do frequently use and import great quantities of cordage made and manufactured in foreign parts, without paying the said duties for or in respect thereof, to the great prejudice of the manufacture of cordage for shipping within this kingdom, and to the diminution of the public revenue: for preventing the like practice for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fifth day of July, whenever any ship or vessel belonging to any of his Majesty's subjects resident in Great Britain, or any of the British colonies, having on board any foreign-made cordage, shall be navigated into any port within this kingdom, the master of such ship or vessel shall, at the time of making his entry or report of such ship or vessel at the custom-house where the same shall be entered, also make an entry or report, upon oath, of all the foreign-made cordage on board of such ship or vessel, for or in respect of which the said duties shall not have been before paid (standing and running as in use excepted); and such master shall, before such ship or vessel shall be cleared by*

From July 25, 1785, vessels belonging to British subjects, having on board foreign-made cordage, to make entry or report on entering into any British port.

the officers of the customs inwards, where any discharge shall be made of her lading, pay to his Majesty, his heirs and successors, the like duties for or in respect of all such foreign-made cordage as shall be specified or mentioned in the said entry or report, as by the laws now in being are charged upon or payable for or in respect of any foreign-made cordage imported into this kingdom; and if the master of any such ship or vessel shall make default herein, all such foreign-made cordage as aforesaid as shall be on board such ship or vessel shall be forfeited to his Majesty, his heirs and successors, and such master shall, for every such offence, also forfeit the sum of twenty shillings for every hundred weight thereof.

Penalty on default.

Not to extend to cordage brought from the East Indies, &c.

IX. Provided always, That nothing herein-before contained shall be deemed, construed, or taken to charge or make liable any captain or master of any ship or vessel coming from the *East Indies*, with any duty for or upon account of such ship or vessel having any foreign-made cordage on board, such cordage having been, by such captain or master, actually brought from the *East Indies*.

X. Provided also, and be it further enacted, That nothing in this act contained shall extend to the materials at present in the use of any ships or vessels that were built abroad before the passing of this act, and are the property of the subjects of *Great Britain*.

Persons aggrieved may appeal to the quarter sessions.

XI. And be it further enacted, That if any person shall think himself or herself aggrieved by any matter or thing to be done in pursuance of this act, and for which no particular method of relief is herein-before appointed, such person may, within four calendar months after such matter or thing shall have been so done, appeal to the justices of the peace, at their general quarter sessions, to be holden for the county, city, or place, wherein the cause of appeal shall have arisen, the appellant first giving, or causing to be given, fourteen days notice at the least in writing, of his or her intention to exhibit such appeal, and the matter thereof, to the person or persons appealed against, and, within four days after giving such notice, entering into a recognizance before some justice of the peace for such county, city, or place, with two sufficient sureties, conditioned to try such appeal at, and abide by the order of, and pay such costs as shall be awarded by, the justices at such general or quarter sessions; and the said justices at such sessions, upon due proof of such notice being given, and of the entering into such recognizance as aforesaid, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the party appealing or appealed against as they shall think proper; and the determination of such justices shall be binding, final, and conclusive, to all intents and purposes whatsoever.

Proceedings not to be quashed.

XII. Provided always, and be it further enacted, That no order, verdict, judgement, or other proceeding, made touching or concerning any of the matters aforesaid, or touching the conviction

action of any offender against this act, shall be quashed or
 vacated for want of form only, or be removed or removeable,
 by *certiorari*, or any other writ or process whatsoever, into any
 of his Majesty's courts of record at *Westminster*, any law or sta-
 tute to the contrary hereof in any wise notwithstanding: and
 where any distress shall be made for any sum or sums of money
 to be levied by virtue of this act, the distress itself shall not be
 deemed unlawful, nor the party or parties making the same be
 deemed a trespasser or trespassers, on account of any defect or
 want of form in the summons, conviction, warrant of distress,
 or other proceeding relating thereto; nor shall the party or
 parties distraining be deemed a trespasser or trespassers *ab initio*,
 on account of any irregularity which shall afterwards be done
 by the party or parties distraining; but the person or persons
 aggrieved by such irregularity shall and may recover full satis-
 faction for the special damage in any action upon the case; pro-
 vided that no plaintiff or plaintiffs shall recover, in any action,
 for such irregularity, if sufficient tender of amends hath been
 made to him, her, or them, by or on behalf of the defendant
 or defendants, before such action brought.

nor distress
 deemed un-
 lawful, for
 want of form.

XIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced or prosecuted
 against any person or persons, for any matter or thing to be done
 in pursuance of this act, every such action or suit shall be com-
 menced within three calendar months next after the cause of
 action shall have arisen, and not afterwards, and shall be laid
 and tried in the county, city, or place, where the same shall
 arise, and not elsewhere; and the defendant or defendants in
 such action or suit may plead the general issue, and give this act,
 and the special matter, in evidence at any trial to be had there-
 upon, and that the matter or thing for which such action or
 suit shall be commenced, was done in pursuance and by the au-
 thority of this act: and if the same shall appear to have been
 so done, or if any such action or suit shall be brought or com-
 menced after the time before limited for bringing the same, or
 shall be laid in any other county or placethan as aforesaid, then and
 in every such case the jury shall find for the defendant or de-
 fendants; and upon such verdict, or if the plaintiff or plaintiffs
 shall be nonsuited, or suffer a discontinuance of his, her, or
 their action or suit, after the defendant or defendants shall have
 appeared, or if upon demurrer judgement shall be given against
 the plaintiff or plaintiffs, the defendant or defendants shall have
 treble costs, and shall have such remedy for the same as any de-
 fendant or defendants hath or have for costs of suit in any other
 cases by law.

Limitation of
 actions.

General issue;

Treble costs.

XIV. And be it further enacted, That this act shall be
 deemed a publick act; and shall be judicially taken notice of as
 such, by all judges, justices, and other persons whomsoever,
 without specially pleading the same.

Publick act.

C A P. LVII.

An act to exempt carriages, carrying the mail, from paying tolls at any turnpike gate in Great Britain.

Preamble.

From July 25,
1785, all car-
riages, or
horses, carry-
ing the mail,
exempted
from toll.

WHEREAS by several acts of parliament, made for repairing particular roads in this kingdom, carriages, horses, and other cattle, employed in the conveyance of the mail or packet, are exempt from the payment of the tolls directed to be levied by such acts: and whereas, by several other acts of parliament, horses only that are employed in conveying the mail or packet are exempt from the payment of the said tolls: and whereas it may be of advantage to the publick that the mail, or packet, should be conveyed to different parts of the kingdom by carriages or publick diligences, which renders it expedient that all carriages, as well as horses and leather cattle, conveying the mail or packet from one part of this kingdom to another, should be exempt from the payment of tolls at all and every turnpike, toll gate, or bar, erected or set up by authority of parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and content of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of July, one thousand seven hundred and eighty-five, all carriages of what description soever, or horses, which shall be employed in conveying from one part of this kingdom to another the mail or packet, which shall be made up under the authority or direction of his Majesty's postmaster general, or his deputy or deputies, shall be, and the same are hereby exempted, freed, and discharged from the payment of any tolls whatsoever that shall or may be demanded for the passage of carriages or horses, through any turnpike, toll gate, or bar, at which any toll is collected by any act or acts of parliament now in force; and all turnpike keepers or toll collectors are hereby directed and required to permit such carriages and horses to pass through all and every turnpike, toll gate, or bar, without demanding any toll or duty for so doing; any thing in any act or acts of parliament contained to the contrary notwithstanding.

C A P. LVIII.

An act for the encouragement of the pilchard fishery, by allowing a further bounty upon pilchards taken, cured, and exported.

Preamble.

5 Geo. I. c.
48.

WHEREAS by an act of parliament, made in the fifth year of the reign of the late King George the First, intituled, An act for increasing the credit of the British fishery in foreign parts; and better securing the duties upon salt, it is, among other things, enacted, That a certain bounty should be paid for every cask or vessel of pilchard, exported from any port or place in Great Britain into parts beyond the seas, under the restrictions and regulations in the said act mentioned: and whereas by another act, made in the third year of the reign of the late King George the Second, intituled, An

act

for taking off certain duties on salt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon* executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mersey*, in the year one thousand seven hundred and twenty-four; further provisions are made for the continuance, and respecting the payment of the before mentioned bounty: and whereas it has been found, by experience, that the pilchard fishery hath of late years been decreasing, and great losses have been sustained by the adventurers concerned in the said fishery, inasmuch that the number of such adventurers, and of the craft therein employed, is considerably diminished; and there is reason to apprehend, that the benefit arising from the said fishery to the trade and navigation of this kingdom may be wholly lost, unless a further bounty be allowed for a limited time; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for every cask or vessel of pilchards, containing fifty gallons, and so in proportion for a greater or lesser quantity thereof, which shall be exported from any port or place in *Great Britain* into parts beyond the seas, between the twenty-fifth day of *June*, one thousand seven hundred and eighty five, and the twenty-fifth day of *June*, one thousand seven hundred and eighty-six, upon which the person or persons exporting the same shall be intitled to the bounty of seven shillings, by virtue of or under the said two several acts herein-before mentioned, an additional bounty of two shillings shall be paid and payable to such person and persons, so intitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies as the said bounty of seven shillings is, by the said two several acts, or either of them, directed to be paid.

II. Provided always, and be it enacted, That the same rules and regulations shall be in force with respect to the pilchards exported within the time herein-before mentioned, in order to prevent the relanding or reimporting thereof, and the owners thereof shall be subject to the same penalties, in case of relanding, or any other fraudulent proceedings, in order to obtain the said bounties granted and payable by this act, as, by the said act passed in the fifth year of the reign of the late King *George* the First, are prescribed and inflicted, with regard to fish cured in and exported from that part of *Great Britain* called *England*.

III. And be it enacted by the authority aforesaid, That where any fish, entitled to the bounty granted by this act upon exportation thereof, shall be laden for exportation, and duly entered and passed by the proper officer, and the said fish shall be lost or spoiled before the ship's proceeding on her

The Bounty of 7s. on the exportation of pilchards, increased to 9s. for all to be exported between June 25, 1785, and June 25, 1787

Regulations in the act of 5 Geo. 1. to prevent the relanding of pilchards, to be in force with respect to this act.

Clause relative to fish lost or spoiled.

voyage, then the proper officer of the port or ports, where such fish is lost or spoiled was or shall be entered, shall, upon due proof thereof, made upon oath before any of the chief officers of such port (who are hereby empowered to administer the same), by the proprietor or proprietors of such fish, or his or their agents, give a debenture for the bounty granted by this act, as if such fish had been actually exported to parts beyond the seas; provided that the said fish was sunk in the sea or port where the said ship was lost or destroyed, in the sight of the proper officer, where any of the said fish shall come ashore, and that no use be made of the said fish by the proprietor or proprietors, or his or their agents; and the said officer is hereby required to cause such fish to be burnt, or otherwise destroyed, any thing in this or any other act to the contrary notwithstanding.

Reciting that certain vessels employed in the pilchard fishery are subject to forfeiture by 24 Geo. 3. c. 47.

Collectors of salt duties in any port, etc. to grant licences to the owners of such vessels, on proper security being given.

Conditions of the bond.

IV. *And whereas many vessels or boats, the length of which is greater than in the proportion of three feet and an half to one foot in breadth, are commonly employed, and are necessary to be employed in the pilchard fishery; which vessels or boats, together with all the goods laden thereon, and their tackle and furniture, are subjected to forfeiture, by an act made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for the more effectual prevention of smuggling in this kingdom; unless the same are licensed as the said act directs: and whereas it is expedient that an easy method of obtaining such licences should be provided for the owners of such vessels or boats, adventurers in the said fishery, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the officer, appointed to collect the duties on salt in any port, harbour, or creek in this kingdom, and every such officer is hereby directed and required, upon demand of the owner or owners of such vessel or boat, and security given as herein-after mentioned, to grant to such owner or owners of such vessel or boat a licence, to be subscribed by such officer, specifying the tonnage of such vessel or boat, and describing the built thereof with respect to length and breadth, and who is or are the owner or owners thereof; which licence the said officer is hereby required duly to register, and no fee, gratuity, or reward, shall be demanded or received for the granting of such licence, nor for the registering of the same; and the owner and owners of such vessel or boat shall give sufficient security, by bond, to his Majesty, his heirs and successors, in double the value of such vessel or boat, to be approved by, and to the satisfaction of such officer, (which bond the said officer is hereby directed and required to provide, without demanding or receiving any fee or reward for the same, except the stamp duties payable thereupon), with condition that such vessel or boat shall not be employed in the importation or landing of any tea or foreign spirituous liquors, or any prohibited or other goods, contrary to the true intent and meaning of the said act, made in the twenty-fourth year of the reign of his present Majesty, or of any other act, or in the exportation of any goods which are*

or may be prohibited to be exported from this kingdom, or the relanding of any goods whatsoever, contrary to law, which are entered outwards for exportation, for any drawback or bounty, or which are or may be prohibited to be used or worn in *Great Britain*; on failure whereof such licence shall be void and of no force or effect, and such vessel or boat shall be liable to seizure and prosecution, in the same manner as if no such licence had been granted.

V. And be it enacted by the authority aforesaid, That if any person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act and the special matters in evidence for his defence; and if upon trial a verdict pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs; for which costs, he shall have the like remedy as in other cases where costs are by law given to defendants. Defendants may plead the general issue. and recover double costs.

VI. And be it further enacted, That this act shall be deemed, taken, and allowed, in all courts of law, as a publick act; and shall be judicially taken notice of as such, by all judges, justices, and others whomsoever, without specially pleading the same. Publick act.

C A P. LIX.

An act for granting to his Majesty a certain sum of money, to be raised by a lottery.

650,000. to be raised by a lottery, which is to consist of 50,000 tickets, at 13l. each. Books have been opened at the bank for that purpose, and the whole 650,000. has been subscribed, and a deposit of 1l. 6s. made for each ticket. All persons who have made deposits, pursuant to the resolution of the house of commons, are required to pay the remainder of their subscriptions, viz. 12l. 14s. for each ticket at the times specified, namely, 1l. 19s. on or before July 25, 1785; 1l. 6s. on or before the 26th of August following; 1l. 6s. on or before the 26th of September following; 1l. 19s. on or before the 27th of October following; 1l. 19s. on or before the 28th of November following; 1l. 6s. on or before the 15th of December following; and the remaining sum of 1l. 19s. on or before January 9, 1786. Every contributor paying 13l. to have a lottery ticket, and a share upon each fortunate ticket, having paid his proportion of the said 650,000. Cashier to give security, to the good liking of the commissioners of the treasury; and to all monies received into the exchequer. Commissioners of the treasury impowered to apply the money, paid in by the cashier, to such services as shall have been voted by the commons in parliament. 500,000. the amount of the prizes, to be paid out of any supplies granted this session. Managers and directors of the lottery, to be appointed by the treasury. Method of the lottery books to be as usual. The ticket:

LOTTERY for 1785.

THE bearer of this ticket will, in pursuance of an act made in the twenty-fifth year of his present Majesty's reign, be intitled to such beneficial

Act for the better Regulation of the Lottery, 1786. [1786.]
 beneficial chance as shall belong thereto, in the lottery to be drawn by
 virtue and under the directions of the said act.

Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of the monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000l. each; 3 of 10,000l. each; 5 of 5000l. each; 10 of 2,000l. each; 15 of 1,000l. each; 30 of 500l. each; 100 of 100l. each; 250 of 50l. each; 16,275 of 20l. each: and also 1,000l. to the first drawn ticket of the first day; 1,000l. to ditto the 4th day; 1,000l. to ditto the 7th day; 1,000l. to ditto the 10th day; 1,000l. to ditto the 13th day; 1,000l. to the first-drawn ticket the 16th day; 1,000l. to the last-drawn. Tickets of the last-mentioned books to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 6, 1786. Method to be observed in drawing, &c. as usual. To draw until the whole number of 16,695 fortunate tickets, and one more for the last-drawn, be completely drawn. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Forging tickets, &c. felony without benefit of clergy: managers may apprehend and commit the offender, &c. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50l. reward. Provided that no attainer for any such offence, to work corruption of blood, etc. Managers to be sworn. The oath:

I A.B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-fifth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgment, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the said act.

To be administered by two managers. Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 13l. so paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered into the exchequer. Commissioners of the treasury may reward the managers, etc. as they shall think fit. The 500,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on June 1, 1786, etc. Managers to give notice of the time for exchanging tickets for certificates. Certificates to be numbered, etc. and signed by the major part of the managers. Commissioners of the treasury empowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution monies, or for any receipts, etc. on penalty of 20l. Persons sued in execution of this act, may plead the general issue, and recover treble costs.

C A P. LX.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-five; and for further appropriating the supplies granted in this session of parliament; and for providing a compensation to the clerks in the offices of the principal secretaries of state, for the advantages such clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his present Majesty, for establishing certain regulations concerning the postage and conveyance of letters and packets by the post, between Great Britain and Ireland.

2,297,460l. 3s. 10d. 2q. granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the sum of 2,297,460l. 3s. 10d. 2q. or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in course. No undue preference to be given in payment. No fee to be taken, on forfeiture of treble damages, with full costs. Undue preference in point of registry or payment, subject to an action of debt, or on the case, and to pay the value of the value of the debt, and full costs, and also to forfeit his office. Auditor, etc. neglecting his duty, liable for damages, etc. to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be referred for the preceding orders. Power of assignment, and method of transferring of orders, by assignment indorsed and notified in the auditors office (without fee.) If it shall be judged more advisable, the treasury may raise by exchequer bills instead of loans the sum of 2,297,460l. 3s. 10d. 2q. and the bills in such case to be made in the manner prescribed by the mint act of this session. All advantages and penalties in the said act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorized to lend to his Majesty the sum of 2,297,460l. 3s. 10d. 2q. notwithstanding an act of 5 and 6 Gul. & Mariae. The sum of 702,539l. 16s. 2d. 2q. remaining in the exchequer on April 5, 1785; 66,161l. 3s. 5d. 2q. overplus of grants for 1784; and 238,918l. 16s. 3d. now remaining in the exchequer, shall be applied towards making good the supply. 231,578l. 18s. 2d. remaining in the hands of the paymaster general, shall be applied towards defraying extraordinary expences of land forces, and other services, from Dec. 25, 1783, to Dec. 24, 1784. The monies arising by the malt act, c. 2. Land tax, c. 4. Loans, (1,500,000l.) c. 11. further loans, (1,000,000l.) c. 12. further bills, (1,000,000l.) c. 33. Lottery act, 650,000l. c. 39. 702,539l. 16s. 2d. 2q. remaining in the exchequer, April 5, 1785; 66,161l. 3s. 5d. 2q. overplus of grants in 1784; 238,918l. 16s. 3d. remaining in the exchequer; and 2,297,460l. 3s. 10d. 2q. by this act granted out of the surplusses of the sinking fund; shall be applied (with the residue of the monies arising from the sale of French prizes, etc.) to the uses following: 2,551,307l. 17s. 2d. towards naval services; 42,035l. 13s. 8d. for the charges of the office of ordnance, not provided for, in 1784; 350,821l. 1s. 9d. for the charges of the office of ordnance, for 1785; 2,054,684l. 10s. 10d. and five eighth parts of a penny, towards maintaining the land forces, and other services after mentioned; of which, 655,953l. 4s. 3d. for defraying the charge of 18,053 effective men, including 2,031 invalids, and 1,500 officers, agency, etc. 222,021l. 4s. 4d. for forces in plantation, and at Gibraltar, etc. for 1785; 6,355l. 15s. 8d. for defraying the difference between the British and Irish establishment of six battalions of foot, etc. 6,968l. 9s. 9d. advanced

vanced to a regiment of light dragoons, etc. for 1785; 25,781. 8s. 9d. 5q for supernumerary officers, etc. for 1785; 6,236l. 10s. 6d. for general staff officers, for 1785; 74,221l. 14s. 5d. for allowance to the paymaster general of the land forces, to the secretary at war, to the commissary general of the musters, to the judge advocate general, to the comptroller of the accounts of the army, their deputies and clerks, including the contingent expences of their respective offices, for exchequer fees, to be paid by the paymaster general, and on account for poundage to be returned to the infantry of the King's forces for the year 1785; 2,904l. 6s. 6d. for five battalions of Hanoverian infantry; 191,261. 0s. 6d. for Chelsea pensioners, 1785; 69,291. 9s. 6d. for subsidies to the landgrave of Hesse Cassel, and to the reigning duke of Brunswick, for 1785; 50,989l. 2s. 7d. to make good a deficiency to the landgrave of Hesse Cassel; 13,027l. 7s. 6d. for pensions to officers widows; 7,737l. 18s. 2d. 3q. for several battalions of foot for different periods in 1784; 197,703l. 7s. 10d. for reduced officers; 335l. 15s. 4d. for officers and private gentlemen of horse guards reduced, etc. 57,800l. 1s. 11d. for commissioned officers of British American forces; 736l. 11s. 6d. for British American forces, in 1783; 4,308l. 11s. 3d. for ditto, in 1784; 3,535l. 0s. 6d. for officers late in the service of the States general; 451,537l. 10s. 1d. for extraordinaries, etc. from Dec. 25, 1783, to Dec. 25, 1784; 1,500,000l. for paying off the exchequer bills made out by virtue of an act 24 Geo. 3. c. 33. 1,000,000l. for paying off bills made out by virtue of another act of the same year; c. 52. 7,066l. 18s. 3d. issued in pursuance of addresses of the house of commons; 25,000l. towards carrying on the buildings at Somerset House; 2,950l. for East Florida; 8,976l. 17s. 6d. for Nova Scotia, for 1785; 1,900l. for the island of St. John; 2,550l. for Cape Breton; 1,370l. for the Bahama Islands; 2,592l. 1s. 10d. for the chief justice of Somers Islands, etc. 6,356l. 17s. for New Brunswick in America; 13,000l. for maintaining forts on the coast of Africa; 9,000l. for the commissioners of public accounts; 3,200l. to make good the like sum paid to the secretaries of the said commissioners, etc. 3,000l. for assisting the Levant company; 800l. for completing a road in North Britain, from Ballantrae in Ayrshire, to Stranraer in Galloway, for the year 1785; 5,489l. 17s. for general Murray, late governor of Minorca; to reimburse him 5000l. paid to James Sutherland, pursuant to a verdict in the court of exchequer, in 1783; 8,395l. 2s. 3d. issued to Thomas Cotton esquire, to discharge bills drawn on the treasury by John Parr esquire, the governor of Nova Scotia; 36,819l. 19s. issued for relief of American civil officers, etc. 26,113l. 13s. 6d. 3q. to make good a deficiency in the 4 1-halt per cent. duties; 150,000l. upon account, to such persons who have proved their losses in America to the commissioners appointed by 23 Geo. 3. c. 80; 3,000l. to be paid to Mr. Cunningham for compiling an index to the journals of the house of commons, from 1547 to 1660; 13,578l. 14s. 4d. issued to Duncan Campbell for maintaining convicts, etc. on the river Thames; 12,087l. 7s. 8d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 31 Geo. 2. c. 22; 159,620l. 1s. 9d. 1q. to make good the deficiency of a fund for paying annuities granted by an act 18 Geo. 3. c. 22; 122,730l. 4s. 8d. to make good the deficiency of a fund for paying annuities granted by an act 19 Geo. 3. c. 12; 158,551l. 4s. 11d. to make good the deficiency of a fund for paying annuities granted by an act 20 Geo. 3. c. 16; 114,214l. 4s. 3d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 21 Geo. 3. c. 8; 617,466l. 10s. to make good the deficiency of a fund for paying annuities granted by an act 23 Geo. 3. c. 35; 24,044l. to make good the deficiency of a fund for paying annuities granted by an act 24 Geo. 3. c. 10. The said aids to be applied only to the uses before mentioned. Sec. 26. Rules to be observed in the application of the half pay: none to receive half pay who was under sixteen years of age when his regiment, etc. was reduced, nor except he did actual service, or if he had any other place of profit, civil or military, under the King; nor any chaplain who has any ecclesiastical benefice in Great Britain or Ireland; nor any person who has resigned his commission, and had none since;

force; nor to any person under a warrant, who would not otherwise be entitled as reduced officers; nor to any officer of the five regiments of dragoons, and eight regiments of foot disbanded, (except such as were lately taken off half pay in Great Britain, by an act 24 Geo. 3. c. 44. a sum not exceeding 75,116l. 18s. 6d. and a sum not exceeding 150,300l. were appropriated to be paid to reduced officers. Overplus monies, above satisfying the said officers, to be disposed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty shall direct. Recital of 4 Geo. 3. c. 24. whereby the clerks in the secretary of state's offices had the privilege of franking printed votes, etc. as before accustomed, which act by 24 Geo. 3. c. 8. was repealed and the said privilege taken away, as a recompence for the loss, and a compensation for the advantages arising thereby. Post-office to pay 1000l. per ann. to the secretaries of state, to be distributed by them amongst their clerks quarterly.

C A P. LXI.

An act to authorise the lord steward of the household, the lord chamberlain, the master of the horse, the master of the robes, and the lords of the treasury, respectively, to pay bounties granted by his Majesty to persons in low and indigent circumstances.

WHEREAS several servants of his late and present Majesty Preamble.
have been discharged from the employments they held severally, in the departments of the lord steward, lord chamberlain, master of the horse, and master of the robes, and the offices of other persons in the said departments have been suppressed; to which servants and other persons, who have been so discharged, or whose offices have been so suppressed, his Majesty was graciously pleased to command, that certain allowances should be paid quarterly, under the name of a Bounty: and whereas his Majesty has been graciously pleased to add to the lists of the persons above mentioned, in the respective departments aforesaid, sundry persons who have been officers or servants, and have been disabled or superannuated in his service, and, in some cases, the widows or children of servants dying in his service: and whereas his Majesty has yearly, and every year, been graciously pleased to grant the sum of one thousand two hundred pounds, to be distributed in small sums among such female objects in distress, as the lords commissioners of his Majesty's treasury should, from time to time, direct: and whereas, by an act passed in the twenty-second year of the reign of his present Majesty, intituled, An act for enabling 22 Geo. 3. c.
his Majesty to discharge the debt contracted upon his civil list 82. sec. 19.
revenues; and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil list; sundry offices have been suppressed and abolished, but the holders or occupiers of many of the said offices have, under the authority of the said act, been allowed compensations, which, under the direction of the lords commissioners of his Majesty's treasury, have been paid quarterly by the proper officers appointed for that purpose, within the respective departments of the lord steward of the household, lord chamberlain, master of the horse, and master of the robes: and whereas it is, among other things, by the said recited act enacted, That no pension whatsoever, on the civil establishment, shall hereafter
be

be paid but at the exchequer, and in the same manner as those pensions which were then paid and entered at the exchequer under the head, title, and description of Pensions; and, for the better prevention of all practices, by which such grants as of bounty might be made a colour under which pensions might be substantially granted, contrary to the true intent and meaning of the said act, it was provided, That any sum or sums of money, so given as of royal bounty to any person more than once in three years, should be reputed a pension: and where-as doubts have arisen whether, according to the strict letter of the said recited act, the several bounties and compensations aforesaid may not be considered as pensions which ought to be payable at the exchequer only, and whether the several officers who have hitherto paid the same are legally justified in the payment thereof; but as all such bounties are of small annual amount, and payable to persons in low and indigent circumstances, who are not within the meaning of the said recited act; and as all such compensations were so calculated, as that the parties should receive the whole thereof, clear of all taxes and deductions whatsoever, the transfer of such bounties and compensations for payment at the exchequer would be attended with much inconvenience and considerable expence; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all bounties of the description aforesaid, already given or granted, or which may hereafter be given or granted, and all compensations given and granted to persons who heretofore held offices which have been suppressed or abolished, for and in respect of their respective offices so suppressed or abolished, shall not be transferred for payment at the exchequer, but be paid and continue to be paid within the several departments of the lord steward of the household, lord chamberlain, master of the horse, master of the robes, and treasury respectively, by the proper officer in each of the said departments appointed for that purpose, as they heretofore lately have been; and that it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, from time to time to issue such sum and sums of money as shall be necessary for the payment of such bounties and compensations, within the respective departments aforesaid; and that all and every sum and sums of money already paid, or hereafter to be paid, by the respective officers in the several departments aforesaid, for or on account of such bounties and compensations, shall be allowed to them respectively, in their several accounts, by the auditors and all other persons having the auditing and passing thereof; any thing in the said recited act, or any other act, to the contrary thereof in any wise notwithstanding.

All bounties already given by his Majesty, as before mentioned, or which shall hereafter be given, may continue to be paid by the lord steward, etc.

C A P. LXII.

An act to prohibit, for a limited time, the exportation of hay.

WHEREAS the exportation of hay may, at this time, be greatly prejudicial to his Majesty's subjects, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, no person or persons whatsoever shall, directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed, out of or from the kingdom of *Great Britain*, or load, ship, or lay on board, or cause or procure to be laden, shipped, or laid on board, in any ship or other vessel or boat, in order to be exported, transported, carried or conveyed out of *Great Britain*, any hay of any kind or quality whatsoever, under the penalties and forfeitures herein-after mentioned; (that is to say,) That all such hay so exported, or laden, shipped, or laid on board, in order to be exported or carried out of *Great Britain*, contrary to the true intent and meaning of this act, shall be forfeited; and that every offender or offenders therein shall severally forfeit and pay the sum of one hundred pounds of lawful money of *Great Britain*, for every ton of such hay, and so in proportion for any greater or less quantity which shall be so exported, transported, carried or conveyed out of *Great Britain*, or laden, shipped, or laid on board as aforesaid, in order to be so exported or carried out of *Great Britain*; and also the ship or other vessel or boat in or upon which any such commodity shall be so exported, shipped, or laden, in order to be so exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same; and for offences which shall be committed in *England*, *Wales*, or the town of *Berwick upon Tweed*, such penalty or forfeiture shall be sued for, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, courts of the counties palatine, or great sessions in *Wales*; in which suit, no esoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and for offences committed in that part of *Great Britain* called *Scotland*, by action or summary bill or information in the court of session or exchequer in *Scotland*.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers or the customs or excise, or being lawfully authorised in that behalf by the lord high treasurer, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such hay, not allowed

Preamble.

From the passing of this act, no hay to be exported for a limited time,

on forfeiture thereof, and 100l. per ton;

and the vessel, etc. on board which it shall be exported.

Officers of customs, etc. may seize hay intended to be exported.

lowed to be exported by this act, or by his Majesty's royal proclamation, or order in council, in pursuance of this act, as he or they shall happen to find, know, or discover to be laid on board any ship, or other vessel or boat, at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported, or conveyed out of this kingdom, contrary to the true intent and meaning of this act, not actually laden on board any ship, or other vessel or boat, and entered for exportation, on the twenty-third day of July, one thousand seven hundred and eighty five, and also the ship, vessel, or boat, in which the same shall be found; and to bring the same to the King's warehouse or warehouses belonging to the custom-house next to the place where such seizure shall be made, or to some other safe place, as near thereto as can conveniently be done, in order to be proceeded against according to law.

Not to extend to hay necessary for cattle on board any ship, etc.

III. Provided always, That this act, or any thing herein contained, shall not extend to prohibit the exportation or carrying out of such or so much of the said commodity as shall be necessary to be carried in any ship or ships, or other vessel or vessels, in their respective voyages, for the sustenance and support of any horses, cattle, or sheep, in the same ships or vessels.

Hay may be exported to Ireland in certain cases;

the exporter giving security for the due landing thereof.

IV. Provided also, That this act, or any thing herein contained, shall not extend, or be construed to extend, to prohibit the exporting or carrying such commodities from *Great Britain* into the kingdom of *Ireland*, at any time when the exportation of hay of every kind or quality, from the kingdom of *Ireland*, is or shall be prohibited by law, so as the exporter or exporters thereof do, before shipping or carrying the same on board, in order to be so exported or carried from *Great Britain* into the kingdom of *Ireland*, with one or more persons or persons, give sufficient security, by bond, in treble the value of such hay, to the collector, collector, or other chief officer of the customs at the port or place where such commodity shall be shipped or laden, (which security the said collector, collector, or other chief officer, is hereby empowered to take in the name, and to the use of his Majesty, his heirs and successors,) that the same hay, and every part thereof, shall be landed and delivered in the kingdom of *Ireland*, and in no other part or parts beyond the seas, and (the dangers and accidents of the seas excepted,) to return to the officer of the customs to whom such bond shall be given, a certificate in discharge thereof, within six months from the date of such bond, signed by the proper officer or officers of his Majesty's customs, at the port or place in the kingdom of *Ireland* where the said commodity shall be landed or delivered, importing that the same was there landed, and satisfying the landing thereon, upon the penalty of the forfeiture of the said bond.

Hay may be carried coastwise.

V. Provided also, That this act, or any thing herein contained, shall not extend to prohibit any person or persons to ship or put on board any such hay to be carried coastwise; that

is to ſay, from any port, member, or creek of *Great Britain*, to any other port, member, or creek, of the ſame reſpectively, having ſuch or the like coaſt cocquet or ſufferance for that purpoſe, ſuch or the like ſufficient ſecurity being firſt given for the landing and diſcharging the ſame in ſome other port, member, or creek of *Great Britain*, and returning a certificate in ſix months, as is required by law in caſes where goods, which are liable to pay duties on exportation, are carried coaſtwise from one port of *Great Britain* to another, and not otherwiſe.

VI. Provided always, and be it enacted by the authority aforeſaid, That in caſe his Maſteſty, at any time or times during the continuance of this act, ſhall (in his royal diſcretion) judge it to be moſt for the benefit and advantage of this kingdom, to permit the exportation of any ſuch hay, that then it ſhall and may be lawful to and for his Maſteſty, by his royal proclamation or proclamations, to be iſſued by and with the advice of his privy council, or by his Maſteſty's order in council, to be publiſhed in the *London Gazette*, from time to time, to permit and ſuffer all and every perſon or perſons, natives or foreigners, (but not any particular perſon or perſons.) at any time or times to export or carry out of the kingdom of *Great Britain*, any ſuch hay to all or any other place or places, and upon or without giving ſecurity for the landing thereof in ſuch place or places, and returning certificates of ſuch landing, as to his Maſteſty ſhall ſeem meet, and in ſuch proclamation or proclamations, or ſuch order in council, to be publiſhed in the *London Gazette*, ſhall be expreſſed and declared; any thing herein contained to the contrary notwithstanding.

His Maſteſty may permit hay to be exported, by proclamation, etc.

VII. And be it further enacted, That all perſons who have purchaſed hay for the purpoſe of exporting the ſame (provided the quantity ſhall amount to one hundred tons or upwards) ſhall be at liberty to declare the bargain void, upon giving notice of ſuch his, her, or their intention to the ſeller or ſellers of ſuch hay, on or before the twentieth day of *Auguſt* next, provided ſuch bargain ſhall have been made on or after the twentieth day of *June* preceeding the ſaid twentieth day of *Auguſt*.

Clause relative to hay purchaſed for exportation.

VIII. And be it further enacted, That this act ſhall be and continue in force, until one month after the commencement of the next ſeſſion of parliament.

Continuance of this act.

C A P. LXIII.

An act for reducing the allowances for waſte on ſalt and rock ſalt; for regulating the exportation of ſalt to Jerſey, Guernſey, Alderney, and Sark; for repealing the laws allowing the uſe of ſoul ſalt for manure only; for allowing a drawback on the exportation of Glauber or Epsom ſalts; for reſtraining ſiſh curers from being dealers in ſalt; for regulating the exportation of herrings from the Iſle of Man; for better ſecuring the duties on ſalt; and for indemnifying perſons who have been guilty of offences againſt the laws relating to the duties on ſalt.

Preamble.

5 Ann. c. 39.

6 Ann. c. 12.

20 Geo. 3. c.
34.

From Aug. 1,
1785, the al-
lowances for
waste on salt
reduced.

WHEREAS, by an act of parliament, made in the fifth year of the reign of her late majesty Queen Anne, intituled, An act for the ease of her Majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer alias bigg, as are to be made upon exportation of the like from Scotland, it is amongst other things enacted, That any merchant or person who shall ship any English salt or rock salt, to be carried coastwise, from one port of England or Wales, or port of Berwick upon Tweed, to any port of England or Wales, or Berwick upon Tweed, shall have an allowance after the rate of three bushels for every forty bushels of English white salt, and after the rate of one bushel and an half for every forty bushels of English rock salt; and an allowance of four bushels for every forty bushels of white salt, and of two bushels for every forty bushels of rock salt, exported in manner therein prescribed from England to Ireland, in consideration of the ordinary waste in the carriage thereof; and by another act of parliament, made in the sixth year of the reign of her said late majesty Queen Anne, intituled, An act to explain the act of the last session of parliament, for the ease of her Majesty's subjects in relation to allowances out of the duties upon salt carried coastwise; and also an act of the first year of her Majesty's reign, in relation to certain salt-works near the sea-side and bay of Holyhead in the county of Anglesea, the first mentioned allowance for waste is extended to all salt carried coastwise twenty miles or more by sea, or from the port of Great Yarmouth, in the county of Norfolk, to Lowestoff or Southwold Bay, in the county of Suffolk, although the place to which the said salt should be carried be a member or creek of the port from whence the same was first shipped off: and whereas by an act, made in the twentieth year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt; and for regulating the exportation of salt to the Isle of Man; the exporter or proprietor of white salt and rock salt to the Isle of Man is allowed four bushels for every forty bushels of white salt, and two bushels for every forty bushels of rock salt, in consideration of the ordinary waste in the carriage thereof, upon the terms mentioned in the said act in that behalf: and whereas it is found, by experience, that the said allowances far exceed the real waste, and that many opportunities are thereby given of evading the payment of the several duties on salt, and the payment thereof is thereby daily evaded, to the great diminution of the said duties; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, each and every of the said several allowances for waste on white salt and rock salt carried coastwise, or shipped or exported to Ireland, or the Isle of Man, be reduced and lessened; and that, instead of the said several allowances before mentioned, there be allowed from thenceforth for waste on white salt and rock salt, carried coastwise

coastwise not less than twenty miles by sea, after the rate of one bushel for every forty bushels of white salt, and after the rate of half a bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity; and for waste on white salt and rock salt, exported to *Ireland* and the *Isle of Man*, after the rate of two bushels for every forty bushels of white salt, and after the rate of one bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity, the persons who claim the said allowances hereby given producing such certificate as is by the former acts required, any thing in the said acts, or any other, to the contrary in anywise notwithstanding; and that no allowance whatsoever be from thenceforth made for waste on any salt carried coastwise by sea less than twenty miles.

II. *And whereas by an act, made in the second and third years of the reign of her late majesty Queen Anne, intituled, An act for the better securing and regulating the duties upon salt, it is (amongst other things) enacted and declared, That any person exporting any salt to Scotland, the Isle of Man, or the islands of Jersey and Guernsey, according to the directions of the several acts relating to the said duties upon salt, is and shall be intitled to a drawback of the duties of the salt so exported, in such manner as in case of the exportation of salt to any other foreign parts: and whereas great sums of money are paid out of his Majesty's duties upon salt, on account of debentures for English white salt, shipped under preterce of being exported to the islands of Jersey and Guernsey, and it is found, by experience, that great part of such salt hath been fraudulently put on shore and reloaded, without being carried to the said islands, by which evil practices his Majesty's said duties are very much lessened: and whereas the like frauds had been frequently committed on the exportation of salt and rock salt to the Isle of Man; for remedy whereof it was enacted, by an act passed in the twentieth year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt, and for regulating the exportation of salt to the Isle of Man, That no debentures should be made or granted, or drawback allowed, for any salt or rock salt exported to the Isle of Man, until a certificate should be obtained of the particular quantity landed, according to the directions of the said act: and whereas it is reasonable and fitting that the provisions of the said act in that behalf should extend to white salt and rock salt, shipped to be exported to the said islands of Jersey and Guernsey, and to the islands of Alderney and Sark; be it therefore enacted by the authority aforesaid, That the several directions, regulations, and provisions of the said last mentioned act, so far as the same relates to the exportation of any white salt or rock salt to the Isle of Man, (except as to the allowance for waste as herein-after mentioned) shall extend, and be deemed and construed to extend, to the exportation of white salt and rock salt to the islands of Jersey, Guernsey, Alderney, and Sark, in as full and ample manner as if they were repeated and*

Recital of a
& 3 Anne,
c. 14.

20 Geo. 3. c.

34.

Provisions of the last mentioned act relative to exporting salt to the Isle of Man, extended to Jersey, etc.

hereby ſeverally re-enacted, any law or ſtatute to the contrary notwithstanding.

Allowance of
waſte on ſalt
exported to
ſaid iſlands
reduced.

III. Provided always nevertheleſs, and it is hereby further enacted and declared, That, inſtead of the allowance for waſte of four buſhels for every forty buſhels of white ſalt, and of two buſhels for every forty buſhels of rock ſalt, ſhipped for exportation to the *Iſle of Man*, in purſuance of the ſaid laſt mentioned act, or to the iſlands of *Jerſey*, *Guernſey*, *Alderney*, and *Sark*, every exporter of white ſalt and rock ſalt to the iſlands of *Jerſey*, *Guernſey*, *Alderney*, and *Sark*, or the *Iſle of Man*, ſhall be allowed only one buſhel for every forty buſhels of white ſalt, and half a buſhel for every forty buſhels of rock ſalt, in conſideration of the ordinary waſte in the carriage thereof.

Recital of 5
Ann. c. 8.

IV. And whereas by the eighth article of the act of union, paſſed in the fifth year of the reign of her late majeſty Queen Anne, no ſalt whatſoever is allowed to be brought from Scotland to England by land, in any manner, under the penalty of forfeiting the ſalt, and the cattle and carriages made uſe of in bringing the ſame, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionably for a greater or leſſer quantity, for which the carrier, as well as the owner, ſhall jointly and ſeverally, and the perſons bringing or carrying the ſame, to be impriſoned by any one juſtice of the peace by the ſpace of ſix months, without bail, and until the penalty be paid: and whereas ſalt brought from Scotland by land is frequently found in the cuſtody or poſſeſſion of perſons who live near the borders of that part of the united kingdom called Scotland; and if diſcovered by any of the officers for the ſalt duties, the perſon or perſons in whoſe cuſtody or poſſeſſion the ſame is found, pretend that the ſame doth not belong to him, her, or them, ſo that the above mentioned penalties cannot be inflicted on ſuch offender or offenders, as in that act are deſcribed: for remedy whereof, be it enacted by the authority aforeſaid, That every perſon, reſiding in any county in England near the borders of Scotland, in whoſe cuſtody or poſſeſſion any ſalt brought from Scotland ſhall be ſo found, ſhall be liable to the ſame penalties as if he or ſhe was the carrier or owner thereof; unleſs he or ſhe ſhall make it appear upon the trial, or hearing of any information for ſuch offence, that it came by ſea, and that the duties due and payable on the importation thereof had been paid or ſecured.

Pen
perſons in
whoſe poſſeſ-
ſion ſalt
brought from
Scotland by
land ſhall be
found.

V. And whereas by an act paſſed in the eighth year of his preſent Majeſty's reign, ſoul ſalt is permitted to be delivered from any ſalt works, upon paying a duty of four-pence a buſhel, upon the terms therein-mentioned, for manuring of land only: and whereas by an act paſſed in the twenty-second year of his preſent Majeſty's reign, intituled, An act for granting to his Majeſty additional duties upon ſalt; and certain duties upon Glauber or Epſom ſalts, and alſo on mineral alkali or flux for glaſs, made from ſalt; and to prevent frauds in the duties on ſoul ſalt, to be uſed in manuring of lands; reciting, That, notwithstanding the reſtriction in the ſaid act, abuſes had been committed contrary to the intent and meaning thereof;

thereof; and for preventing them in future, it was enacted, That no grey or ſcraw ſalt, ſalt-ſcale, ſand-ſcale, or cruſtings, or other ſoul ſalt whatſoever, produced or to be produced at any ſalt works within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, from the manuſacturing of ſuch white ſalt as aforeſaid, ſhould, from and after the twenty-ſecond day of June, one thouſand ſeven hundred and eighty-two, be removed or carried away from the works where the ſame ſhould be produced, without notice firſt given to the officer attending ſuch works, or who ſhould reſide neareſt thereto; and without having been firſt well and ſufficiently mixed with common chimney coal ſoot, in the proportion of two buſhels of ſoot to one hundred buſhels of ſuch ſalt, under the penalty therein mentioned; which provision in the ſaid act has not had the good effect to prevent ſuch abuſes, but great frauds are daily committed by divers manuſacturers unlawfully uſing ſuch ſoul ſalt, without the means of detection to the great diminution of the ſalt duties, who muſt otherwiſe uſe white ſalt; be it therefore enacted by the authority aforeſaid, That thoſe parts of the ſaid recited acts, which allow the uſing of ſoul ſalt for the manuring of land only, and direct that it ſhall not be removed from the works without having been firſt mixed with chimney coal ſoot, ſhall be, and the ſame are hereby declared to be repealed.

Part of the
acts of 8 and
22 Geo. 3.
repealed.

VI. And, in order to obviate any doubts that may hereafter ariſe reſpecting the duties payable for ſuch ſoul ſalt, be it enacted by the authority aforeſaid, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, all ſoul ſalt that ſhall be made or produced at any ſalt works, ſhall be ſubject and liable to the ſame duties as any *Engliſh* white ſalt is now, or hereafter may be ſubject and liable to, and to ſuch and the like directions, regulations, and provisions, in every reſpect, as if they were ſeverally enumerated and re-enacted in the body of this act.

From Aug. 1,
1785, all ſoul
ſalt to be li-
able to the
ſame duties
as white ſalt.

VII. And whereas by an act, made in the twenty-ſecond year of the reign of his preſent Majeſty, intituled, An act for granting to his Majeſty additional duties upon ſalt; and certain duties upon Glauber or Epſom ſalts, and alſo on mineral alkali or flux for glaſs, made from ſalt, and to prevent frauds in the duties on ſoul ſalt, to be uſed in manuring of lands; a duty of twenty ſhillings for every hundred weight is laid on all ſalts known or called by the name of Glauber or Epſom Salts, made or produced at any ſalt works in Great Britain, and after that rate for a greater or leſs quantity: and whereas it is found, by experience, that, ſince the ſaid duty has been impoſed, the exportation of the ſaid ſalts has been much leſſened, to the hurt of the maker or manuſacturer thereof, it is therefore but reaſonable that a drawback or allowance ſhould be made of ſo much of the ſaid duty on exportation, as will enable the maker or manuſacturer to render the ſale thereof, at foreign markets, upon equal terms with that of any other country; be it therefore enacted by the authority aforeſaid, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, all and every perſon or perſons who ſhall export, or cauſe to be exported, beyond the ſeas, any ſalts known or called by the name

Recital of
22 Geo. 3. c.
39.

Exporters of
Glauber or
Epſom ſalts
to be allowed
a drawback.

of Glauber or Epsom ſalts, made or produced at any ſalt works in Great Britain, the duty whereof ſhall have been paid, ſhall, upon ſuch exportation, be intitled to a drawback or allowance of ten ſhillings out of the ſaid duty for every hundred weight of the ſaid ſalts, upon ſuch and the like terms as in the caſes of exportation of foreign and Engliſh ſalt.

From Aug. 1,
1785, no fiſh
curer ſhall
ſell ſalt, ex-
cept to other
curers.

VIII. *And whereas great frauds have been committed in the ſalt revenue by fiſh curers becoming dealers in ſalt for home conſumption; be it therefore enacted by the authority aforeſaid, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, no fiſh curer or fiſh curers ſhall, directly or indirectly, ſell, retail, or vend any ſalt other than to fiſh curers, in purſuance of an act made in the fifth year of the reign of his late maſtey King George the Firſt, intituled, An act for recovering the credit of the Britiſh fiſhery in foreign parts; and for better ſecuring the duties on ſalt, under the penalty of forfeiting twenty ſhillings a buſhel for every buſhel that he, ſhe, or they ſhall ſo diſpoſe of, and after that rate for any greater or leſs quantity; and ſhall never afterwards be permitted to have ſalt duty-free, or be concerned with any other or others as a curer of fiſh.*

5 Geo. 1. c.
18.

Penalty.

Recital of 12
Geo. 3. c. 38.

IX. *And whereas by an act made in the twelfth year of his preſent Maſtey's reign, intituled, An act for the further encouragement of the herring fiſhery on the coaſt of the Iſle of Man; and for obviating a doubt which has ariſen with reſpect to the allowing the bounties upon the Britiſh white herring fiſhery, in the year one thouſand ſeven hundred and ſeventy-one; any ſort of herrings, caught upon the coaſts of the Iſle of Man and cured there, are allowed to be imported and brought into any part of Great Britain, upon payment of the duties therein mentioned, the maſter or other perſon having the charge of the ſhip ſo importing ſuch herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magiſtrate for the time being, that oath had been made before him or them, in the preſence of the officer of the cuſtoms for the port or place where ſuch herrings were put on board, that the ſame were bona fide taken on the coaſts of the Iſle of Man and cured there; which certificate or certificates alſo to be attested by the ſaid officer of the cuſtoms, and to expreſs the number of barrels, and quantity of ſuch herrings reſpectively, and the marks of the package expreſſed in the bill or bills of lading, with the name or names, place or places of abode of ſuch perſon or perſons as ſhall have made the oath thereby directed, and where and to whom ſuch herrings ſhall be conſigned in Great Britain; and the maſter, or perſon taking charge of the ſhip or veſſel importing the ſame, alſo making oath before the collector or principal officer of the ſalt-duties, at the port or place of importation in Great Britain, that the ſaid herrings were the ſame that were taken on board by virtue of the ſaid certificate or certificates ſo to be produced; on failure whereof, or of any of the requiſites therein mentioned, the herrings to be liable to the ſame duties, penalties, and forfeitures, as ſuch herrings would have been liable to by law, if the ſaid act had not been made: and whereas, before the paſſing of the ſaid act, all kinds of fiſh were prohibited*

hibited from being brought in or imported from the said island; and it is since found by experience that herrings, caught and cured upon the said coasts, are clandestinely shipped, and fraudulently brought into Great Britain, to the loss of the revenue, and injury to the fish curers there, contrary to the intention of the said act, which may in a great measure be prevented, if further provisions and suitable penalties were to be inflicted on persons offending against the said act; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, no herrings, caught upon the coasts of the Isle of Man, and cured there, shall be shipped or exported from thence, for any place or places whatsoever, till such certificate or certificates is or shall be obtained as required by the said act, under the penalty of forty shillings a barrel, and so in proportion for a greater or less quantity, to be recovered of the owner, proprietor, master of the vessel, or the person or persons who shall ship or export the same, and also giving bond to his Majesty, his heirs or successors, in double the amount of the duty, to the satisfaction of the chief officer of the customs for the time being, (who is hereby required and empowered to take the same), at the port or place in the said island where such herrings shall be shipped or put on board, for the truly landing of them at the port or place for which they shall be so shipped or put on board, and if for Great Britain, upon paying the duty and making the oath upon the importation thereof; which bond shall be discharged, and given up without fee or reward, upon certificate returned or produced to the chief officer of the customs, for the time being, of the port or place in the said island from whence the said herrings were exported, within twelve months from the date of the said bond, or otherwise it shall and may be lawful for such chief officer of the customs to cause such bond to be put in suit, unless he shall find sufficient cause to forbear the same; which certificate the chief officer of the salt duties, or otherwise of the customs, (in case there shall happen to be no salt officer), at the port or place of importation in Great Britain, or any other of his Majesty's dominions, is hereby directed and required to grant, without fee or reward; and if exported to any other place or places out of his Majesty's dominions, then, upon certificate under the common seal of the chief magistrate there, or under the hands and seals of two known British merchants, then being at such place or places, that such herrings were there landed; or upon proof, by credible persons, that such herrings, or part thereof, were taken by enemies, perished in the seas, or were otherwise lost or destroyed by any inevitable accident; the examination and proof thereof being left to the judgement of the governor, lieutenant governor, commander in chief, or chief magistrates of the said Isle of Man, for the time being.

X. And whereas British salt, delivered duty-free for the curing of fish for foreign markets, is liable to frauds for want of security being given as for foreign salt, when delivered over into the curers sole

From Aug. 1, 1785, no herrings caught on the coasts of the Isle of Man, &c. shall be exported from thence, till a proper certificate is obtained, &c.

From Aug.
1785, on de-
livery of ſalt
duty free to
curers for fo-
reign mar-
kets, ſecurity
ſhall be given
to the ſatis-
faction of the
officer.

Such ſalt to
be weighed in
preſence of
the officer

Salt delivered
to fiſh curers,
not to be re-
moved with-
out a warrant
from the of-
ficer.

cuſtody at the beginning of the fiſhing ſeaſon; for remedy whereof, be it enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, on delivering over ſuch ſalt from the joint cuſtody of the officer and proprietor, into the ſole cuſtody of the proprietor or his agent, for the curing of fiſh for exportation, the ſaid proprietor or his agent ſhall give ſecurity (to the ſatisfaction of the chief officer of the ſalt duties in the port or place where ſuch ſalt has been lodged) in double the amount of the duties, that he or they ſhall and will account for the ſame in the terms of, and according to the true intent and meaning of the ſeveral acts or parliament made in that behalf, in like manner as the curer of fiſh now do for the foreign ſalt delivered into their ſole cuſtody, for curing fiſh for exportation, by virtue of an act made in the eighth year of the reign of his late majeſty King George the Second; and that all ſuch ſalt ſhall, upon being delivered into the ſole cuſtody of the proprietor, be weighed over by the ſaid proprietor or his agents in the preſence of the officer for the duties on ſalt, if he ſhall require the ſame, to the end that the quantity of ſalt delivered into the proprietor's ſole cuſtody, and the deficiency (if any) from the quantity before lodged under the joint lock and key of ſuch officer and proprietor, as aforeſaid, may be truly aſcertained, and the real quantity wanting at the re-delivery truly known, making a reaſonable allowance for the waſte for the time the ſaid ſalt has been ſo locked up; and that every fiſh curer, who ſhall neglect or reſuſe to weigh over, to the officer for the duties on ſalt, what ſalt ſhall remain unuſed, (in order to adjust the quantity uſed), and alſo to lock up the remainder in the joint cuſtody of the officer and proprietor, when thereunto duly required by the ſaid officer, ſhall forfeit the ſum of five hundred pounds, and ſhall never afterwards be permitted to have ſalt duty-free for the curing of fiſh, or be concerned with any other or others as a curer of fiſh; and that no ſalt whatſoever, after the ſame has been delivered into the ſole cuſtody of the curer of fiſh for foreign markets, ſhall be delivered over to any other perſon for the curing of fiſh, nor ſhall be removed from the place where lodged to any other place for curing fiſh, without giving notice to the officer, and having a warrant from him for removing the ſame, upon pain of forfeiting the ſum of fifty pounds, by the proprietor or owner of the ſalt, or the perſon removing the ſame; and that no perſon whatſoever ſhall be deemed or taken to be a curer of fiſh, ſo as to intitle him to have any ſalt delivered into his ſole cuſtody duty-free, for the curing fiſh for foreign markets, who has not a warehouſe, ſtorehouſe, or other proper place, wherein the ſalt may be ſecurely lodged under the lock and key of the officer for the duties on ſalt, as well as the ſaid proprietor, as the law directs.

XI. And, for the better and more impartial trial of any indictment or information, which ſhall at any time hereafter be found, commenced or proſecuted for any offence made or committed upon any of the

the officers of the salt duties, or any other person or persons acting in their aid; be it further enacted by the authority aforesaid, That every such offence shall and may be enquired of, examined, tried, and determined, in any county within that part of the kingdom of Great Britain called England, in such manner and form as if the said offence had been therein committed.

Indictments for assaults on officers may be tried in any county.

XII. *And whereas it hath been found, by experience, that the bailiffs and other officers, having the execution of process in the several counties, cities, and liberties of this kingdom, often hold correspondence with the persons guilty of offences contrary to the laws or statutes relating to the duties on salt, or other duties under the management of the commissioners for the duties on salt, and give them notice when any writ or process issues against them, whereby they escape from justice; for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, where any writ of *capias*, or other process, shall issue out of any court, directed to any sheriff, mayor, bailiff, or other person having the execution of process in any county, city, or liberty, against any person who shall be guilty of, or prosecuted for any offence whatsoever, contrary to any of the laws or statutes now in being, or hereafter to be made, relating to his Majesty's said duties on salt, or any other duties under the management of the commissioners for the said duties on salt, every such sheriff, mayor, or bailiff, and other persons having execution of process as aforesaid, and their and every of their under sheriffs, deputies, and other persons acting for them in the said office and offices respectively, shall and are hereby enjoined and required, upon the request or application of the known solicitor for the duties on salt, (such request to be in writing indorsed upon the back of the said process, and signed by such solicitor), to grant a special warrant or warrants to such person or persons as shall be named to them by such solicitor, for the apprehending such offender and offenders; or, in default thereof, every such sheriff, mayor, bailiff, under sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties, and forfeitures, as they, or any of them, are now by any law, custom, or usage, liable to in case of refusing or neglecting to execute the like process, where the defendant might have been taken thereupon, in the common and usual method of proceeding.*

From Aug. 1, 1785, when writs of *capias*, etc. are issued against offenders relative to the salt duties, a special warrant shall be granted for apprehending them.

Penalty on sheriff, etc. making default.

XIII. *And whereas it has been doubted where the commissioners for the duties on salt, and justices of the peace, have respectively issued out any summons for the appearance of persons offending against, or for forfeitures incurred by the laws relative to the duties on salt, or any other law under the management of the commissioners for the said duties on salt, which hath been left at the house or usual place of residence, or with the wife, child, or menial servant of such persons, whether the same should be deemed and adjudged a good and sufficient summons, and as legal and effectual a notice as if the same had been*

Summonses for the appearance of offenders, left at their place of abode, etc. to be deemed legal notice.

been actually delivered to the proper hands of such person or persons to whom the same was or were directed: now, in order to put an end to such doubt, be it hereby enacted by the authority aforesaid, That every such summons, so left as aforesaid, shall be deemed to be a good and sufficient summons, and as legal and effectual a notice as if the same had been actually delivered to the proper hands of such persons to whom the same was by name directed.

Summonses relative to the salt duties, left at the house, shop, etc. as effectual notice as if delivered to the party, etc.

XIV. And, for the future, it is hereby enacted, That in all cases relating to the duties on salt, or to any of the other duties which now are, or hereafter may be under the management of the commissioners for the said duties on salt, the leaving such summonses at the house, workhouse, warehouse, boiling house, hot house, salt crib, shop, cellar, vault, or usual place of residence of such person or persons, directed to such person or persons, by his, her, or their right or assumed name or names, shall be deemed to be, and is hereby declared to be as legal and effectual a notice and summons, to all intents and purposes, as if the same was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed, and as if the same was directed to the party or parties to and for whom the same shall be designed, by his, her, or their proper name or names.

Clause relative to actions for recovery of goods seized by virtue of any act relating to salt duties.

XV. And be it further enacted by the authority aforesaid, That in case any information or suit shall be commenced and brought to trial, on account of the seizure of any salt, fish, or other goods whatsoever, or the package thereof, seized as forfeited by any act or acts of parliament now in force, or hereafter to be made, relating to his Majesty's duties on salt, or any other duties under the management of the commissioners for the said duties on salt, or of any ship, vessel, or boat, or of any horses or other cattle, or of any carriages used or employed in removing or carrying the same, wherein a verdict shall be found for the owner or claimer thereof, and it shall appear to the judge or court, before whom the said action or information shall be tried, that there was a probable cause of seizure, the judge or court, before whom the same shall be tried, shall certify on the record, that there was a probable cause for the seizing the said salt, fish, goods, package, ships, vessels, boats, horses, or other cattle or carriages, as the case may be; and in such case the claimant or owner shall not be intitled to any costs of suit whatsoever, nor shall the person who seized the said salt, fish, goods, or package, or the said ships, vessels, or boats, or the horses, or other cattle or carriages, be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and that in case any action, indictment, or prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such salt, fish, goods, or package, or of any ships, vessels, boats, horses, or other cattle or carriages, used and employed in removing or carrying the same, wherein a verdict shall be given against the defendant or defendants,

defendants, if the court or judge, before whom such action, indictment, or prosecution, shall be tried, shall certify, on the said record, that there was a probable cause for such seizure, then the plaintiff, besides the thing so seized, or the value thereof, shall not be intitled to above two-pence damages, nor to any costs of suit, nor shall the defendant, in such prosecution, be fined above one shilling.

XVI. *And, for the more effectual preventing vexatious suits against the officers for the salt duties, and their assistants, acting under the authorities and powers to them given by the several statutes made, or hereafter to be made, for securing the duties on salt and rock salt, or any other duties under the management of the commissioners for the duties on salt,* be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, no writ shall be sued out against, nor a copy of any process served upon any officer or officers for the salt duties, or against any person or persons acting by his or their order, and in his or their aid, for any thing done in the execution of, or by reason of his or their office, until one calendar month next after notice in writing shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue out such writ or process as aforesaid; in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the said attorney or agent, and that a fee of twenty shillings shall be paid for the preparing and serving of every such notice, and no more.

From Aug. 1, 1785, no writ shall be sued out against any officer for salt duties, for executing his office, until after a month's notice.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any of the said officers, or other persons acting in their aid, to whom such notice shall be given as aforesaid, at any time, within one calendar month after such notice shall have been given, to tender amends to the party complaining, or to his or her agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him grounded on such writ or process, together with the plea of not guilty, and any other plea, with leave of the court; and if, upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant or defendants; and in such case, or in case the plaintiff shall become nonsuited, or discontinue his or her action, or in case judgement shall be given for such defendant or defendants upon demurrer, then such defendant or defendants shall be intitled to the like costs, as he would have been intitled to in case he had pleaded the general issue only; and if upon issue so joined, the jury shall find that no amends were tendered, or that the same were not sufficient, and shall also find against the defendant or defendants in such other plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with his or her costs of suit.

Officer, within a month after such notice, may tender amends, etc.

XVIII. Provided

No evidence of the cause of action to be produced, except that contained in such notice.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff, in any case where an action shall be grounded on any act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or persons acting in his aid, unless he shall prove, on the trial of such action, that such notice was given, and that in default of such proof, the defendant in such action shall recover a verdict and costs as aforesaid.

Defendant allowed to pay money into court.

XIX. And be it further enacted by the authority aforesaid, That in case such officer, or others acting in his aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court where such action shall be brought, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings, orders, and judgements shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

Limitation of actions.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done by any officer or officers for the salt duties, or any others acting in his or their aid, in execution of, or by reason of his or their office, such action or suit shall be brought or commenced within three months next after the cause of action shall arise, and not afterwards, and shall be laid and tried in the county or place where the facts were committed, and not in any other county or place; and the defendant or defendants shall and

General issue.

may plead the general issue, and give the special matter in evidence, at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if, upon a verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedies for the same, as any defendant or defendants can or may have in other cases where costs are given by law.

Treble costs.

In actions brought relative to seizures, proof of payment of duties to lie on the claimer.

XXI. And be it further enacted by the authority aforesaid, That if any salt, fish, or other goods, liable to the duties on salt, or any other duties under the management of the commissioners for the said duties on salt, shall be seized by virtue of, or in pursuance of any act or acts of parliament now in force, or hereafter to be made; or if any action shall be brought by the owner or claimer of any such salt, fish, or other goods, against any officer or officers for the salt duties, or any person acting in their assistance, for any thing done in pursuance of any such act or acts, the proof of the payment of the said duties upon such salt, fish, or other goods so seized, shall lie upon the owner or claimer of such salt, fish, or other goods, and not on the

the person who seized the same, or against whom such action shall be brought.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall obstruct, assault, resist, oppose, molest, or hinder any officer or officers of the salt duties in the execution of his or their office, or in the execution of any of the several powers and authorities given or granted to such officers by this or any other act now in force, or hereafter to be made; or shall beat or abuse the said officers, or any of them, in the execution of their office; every person or persons so offending shall severally forfeit and lose, for every such offence, the sum of one hundred pounds.

Penalty on obstructing officers.

XXIII. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, upon the entry of any claim to any horses or other cattle, or to any carriages, or to any ship, boat, or other vessel, or to any salt, fish, or other goods, or the package thereof, or to any other thing whatsoever, seized for any cause of forfeiture, by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to the duties on salt, or any other duties under the management of the commissioners for the salt duties, the person or persons who shall enter the claim, as the owner or owners, proprietor or proprietors thereof (in case such claimant shall reside in the kingdom of *Great Britain*), shall be bound, with two other sufficient securities, in the penalty of one hundred pounds, to answer and pay the costs occasioned by such claim; and if such owner or proprietor shall not reside in *Great Britain*, then, and in such case, the attorney or solicitor, by whose direction such claim shall be entered, shall, in like manner, be bound with two other sufficient securities, in the like penalty, to answer and pay the costs occasioned by such claim, any law, custom, or usage, to the contrary notwithstanding.

From Aug. 1, 1785, all un-
duty goods
seized by vir-
tue of any salt
act, to enter
into bond to
pay costs, &c.

XXIV. And whereas, by the several regulations hereby established, and by the reduction in the allowances granted by former acts of parliament, the produce of the several and respective duties on salt will be much increased; be it therefore enacted, That a just and reasonable proportion shall be taken by the cashier of the said salt duties, out of the monies that shall arise and come to his hands, for the respective duties granted by the before recited acts of the twenty-sixth year of the reign of his late majesty King *George the Second*, and of the twentieth and twenty-second years of the reign of his present Majesty; and he the said cashier shall set apart, and pay into the receipt of his Majesty's exchequer, the annual sum of twelve thousand pounds, by payments of three thousand pounds each quarter; *videlicet*, on or before the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, the first quarterly payment to be paid for the quarter which will end the tenth day of *October*, one thousand seven hundred and eighty-five; and such quarterly sum and sums of three thousand pounds,

A just proportion of the salt duties to be taken for the duties granted by the former acts.

12,000l. to be paid annually into the exchequer,

and entered
ſeparate from
all other mo-
nies.

Application
thereof.

Penalties and
forfeitures
how to be re-
covered and
applied.

Defendants
may plead the
general iſſue,



and recover
treble coſts.

ſo to be paid into the ſaid receipt of the exchequer, ſhall be entered and kept diſtinct and apart from all other monies paid and payable to his Maſteſty, his heirs and ſucceſſors; and ſhall, together with ſuch other rates, duties, and revenues, as are or ſhall be granted by any act or acts of this ſeſſion of parliament, be a fund for the payment of the ſeveral annuities, and all ſuch other charges and expences as are directed to be paid and payable, purſuant to an act of this preſent ſeſſion of parliament, (intituled, *An act for granting annuities to ſatisfy certain navy, viſtualling, and tranſport bills, and ordnance debentures.*)

XXV. And be it further enacted by the authority aforeſaid, That all fines, penalties, and forfeitures, by this act impoſed, and all other fines, penalties, and forfeitures, by any former act impoſed or hereafter to be impoſed, relating to the duties on ſalt, or any other duty now or hereafter to be under the management of the commiſſioners for the duties on ſalt, ſhall be ſued for, levied, recovered, or mitigated, by ſuch ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of exciſe, or ſalt duties, now in being, or hereafter to be made reſpectively; and that no appeal or writ of *certiorari* ſhall be allowed upon any judgement or conviction in any penalty or forfeiture inflicted, either by this or any other act made or to be made relating to the duties on ſalt, or any other duties under the management of the commiſſioners for the ſalt duties, or by any action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record in *Great Britain*, wherein no eſſoin, protection, privilege, or wager of law, ſhall be allowed, or more than one impleading; any law or ſtatute to the contrary in anywiſe notwithstanding; and that one moiety of every ſuch fine, penalty, and forfeiture, (not otherwiſe directed by any former act) ſhall be to his Maſteſty, his heirs and ſucceſſors, and the other moiety to him or them who ſhall diſcover, inform, or ſue for the ſame.

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued, moleſted, or proſecuted, for any thing done by virtue or in purſuance of this or any other act now in force, or hereafter to be made, relating to the duties on ſalt, or other duties under the management of the commiſſioners for the duties on ſalt, ſuch perſon or perſons ſhall and may plead the general iſſue, and give this act, or ſuch other act, and the ſpecial matter in evidence, in his or their defence or defences; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action or actions, or be nonſuited, or judgement ſhall be given againſt him, her, or them, upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt any ſuch plaintiff or plaintiffs.

XXVII. And whereas many perſons, having incurred heavy penalties by reaſon of offences committed againſt the laws for collecting and ſecuring the duties on ſalt, and on account of foreign and Britiſh ſalt

salt delivered duty-free for the fisheries, are deterred from renouncing their evil courses, through fear of being discovered by some of their associates, and thereby subjected to prosecution: and whereas it is expedient to extend a pardon and indemnity to persons under the aforesaid circumstances; be it therefore enacted, That no prosecution, by bill, plaint, information, or action of debt, shall be commenced for any pecuniary penalty or forfeiture incurred by reason of any offence committed, by any person or persons, against any of the provisions of any act or acts for collecting and securing the duties under the management of the commissioners of the salt duties, committed before the first day of June, one thousand seven hundred and eighty-five, but that the said penalties and forfeitures be wholly pardoned and released.

All persons indemnified for offences committed relative to salt duties, before June 1, 1785.

C A P. LXIV.

An act for altering and amending an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain.

WHEREAS by an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain, after reciting, That gold and silver wares, when sent to be marked and assayed, were sent in so rude and rough a state, that the same in the finishing were greatly lessened in weight, it was enacted, That the person appointed by the several companies, or assay offices, to take and receive the monies and duties directed by the said act, should, where such plate was sent to be marked and assayed in the same rude and rough state as theretofore had been usual, make a deduction of one fifth from the weight, and an allowance of one fifth part of the duty imposed by the said act, to the person or persons bringing the same: and whereas doubts have arisen upon the construction of the words rude and rough state as theretofore had been usual, the manufacturers having been accustomed, time immemorial, to send in their work in various states to the assay offices to be marked and assayed, and great inconveniences and disputes frequently arise between the manufacturers and assay officers, on the construction of the said words: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of July, one thousand seven hundred and eighty-five, the person appointed by the said companies or assay offices to take and receive the monies and duties directed by the said act, where such plate is sent to be marked in any unfinished state, so that a diminution in the weight thereof must necessarily remain to be made by the worker or manufacturer thereof, before the

Preamble.
Recital of
24 Geo. 3. c.
53.

From July 24, 1785, the person appointed to receive the duties payable for marking of plate, may make an allowance of

1 6th part of
the duty for
all plate
brought in an
unfinished
ſtate.

the ſame ſhall be finiſhed, ſhall, in reſpect of ſuch diminution as aforeſaid, make a deduction of one ſixth part from the weight, and an allowance of one ſixth part of the duty impoſed by the ſaid act, to the perſon or perſons bringing the ſame, inſtead of one fifth part, as by the ſaid recited act is directed; and ſhall, at the bottom of the note or memorandum, by the ſaid act directed to be kept and filed, expreſs the deduction from the weight, and the allowance of the duty accordingly, as in and by the ſaid act was directed.

Two clauſes
in the act of
laſt ſeſſion re-
cited,

II. *And whereas by the ſaid recited act it was alſo enacted, That, in caſe any perſon or perſons whatſoever ſhould, at any time or times after the firſt day of December, one thouſand ſeven hundred and eighty-four, during the continuance of the duties by the ſaid act impoſed upon wrought plate, or manuſactures of gold and ſilver, export, by way of merchandize, for any foreign parts, any plate of gold or ſilver, wrought or manuſactured in this kingdom, which by the ſaid act is charged or chargeable with the reſpective duties of eight ſhillings per ounce, and ſixpence per ounce, and the ſame ſhould appear to have been made and marked as aforeſaid, after the firſt day of December, one thouſand ſeven hundred and eighty-four, and the duty thereby directed ſhould have been paid thereon; and ſhould give ſufficient ſecurity, before the ſhipping thereof for exportation, that the particular quantities of ſuch plate or manuſactures of gold and ſilver, intended to be exported as aforeſaid, and every part thereof, ſhould not be reloaded or brought again into Great Britain, and ſhould make proof, upon oath, that the ſame gold or ſilver plate or manuſactures were actually made and marked as aforeſaid, after the ſaid firſt day of December, one thouſand ſeven hundred and eighty-four; and ſhould alſo produce or deliver to ſuch cuſtomer or collector a certificate under the hand of the perſon to whom ſuch wrought plate or manuſactures of gold and ſilver were conſigned, certifying that the ſame had been received, and mentioning the weight and particular ſpecies of plate ſo conſigned and received, the name of the perſon conſigning the ſame, the name of the veſſel, and the name of the captain commanding ſuch veſſel, and the port of Great Britain from which the ſaid veſſel was cleared, and the port to which ſuch veſſel was bound; and ſhould alſo, where the drawback ſhould amount to five pounds, and upwards, authenticate ſuch certificate by notarial act in writing, and where the ſame could not be done by a notarial act, then the ſame ſhould be authenticated under the hand and ſeal of the chief magiſtrate of the city, town, or place, where ſuch wrought plate or manuſacture of gold and ſilver ſhould be received; that then the ſaid cuſtomer or collector ſhould give to the exporter thereof a debenture, expreſſing the true kinds and quantities of ſuch plate and manuſactures of gold or ſilver ſo exported, or ſhipped to be exported; and the exportation or ſhipping thereof being certified by the ſearcher upon the ſaid debenture, the collector or receiver of the ſaid duty on plate, upon the ſaid debenture ſo certified being produced to him, ſhould forthwith pay a drawback or allowance after the rate of eight ſhillings for every ounce Troy on gold, and ſixpence for every ounce Troy on ſilver plate or manuſacture, out of the money in his hands, in the manner*

manner in the said act particularly mentioned and set forth: and whereas the great delay in withholding the drawback, in cases where such plate or manufacture of gold and silver is wanted to be exported to the East and West Indies, and to other distant parts, until the certificate, directed in the said recited clause, can be procured from the persons to whom such wrought plate is consigned, tends greatly to impede the exportation of gold and silver manufactured plate to foreign parts, and is very injurious to the manufacturers thereof: and whereas by the said recited act it was also further enacted, That all wrought gold and silver plate, which should be intended to be exported from this kingdom into any foreign parts, should, before the same was shipped, be brought to the assay office, and should there be stamped with the figure of a Britannia, in order to denote that such plate was intended for exportation, and to be allowed the drawback thereon: and whereas the striking the Britannia mark on many articles of wrought gold and silver plate, in their finished state, can in no way be practised without doing material damage to such wrought plate; be it therefore enacted, That, from and after the twenty-fourth day of July, one thousand seven hundred and eighty-five, the said two last recited clauses in the said act contained, and each of them, shall be, and the same are hereby respectively repealed.

III. And, in order to prevent any injury to the manufacturers of gold and silver plate, and for the better encouragement of the exportation thereof, be it enacted, That in case any person or persons whatsoever shall, at any time or times after the twenty-fourth day of July, one thousand seven hundred and eighty-five, during the continuance of the duties by the said recited act imposed upon wrought plate, or manufactures of gold and silver, exported by way of merchandize, for any foreign parts, any plate of gold or silver, wrought or manufactured in this kingdom, which, by the said recited act, is charged or chargeable with the said respective duties of eight shillings per ounce, and sixpence per ounce, and the same shall appear to have been made or marked as aforesaid, after the said first day of December, one thousand seven hundred and eighty-four, and the duties thereby directed shall have been paid thereon, and shall give sufficient security, before the shipping thereof for exportation, that the particular quantities of such plate, or manufactures of gold or silver, intended to be exported as aforesaid, and every part thereof, shall not be re-landed or brought again into Great Britain; and shall make proof, upon oath, that the same gold or silver plate, or manufactures, were actually made or marked as aforesaid, after the time in the said recited act mentioned, which security shall be taken in the King's name, and to his use, and the oath or oaths administered by the customer or collector of the respective port of such exportation, without fee or reward; that then, and in every such case, and without the production of any such certificate, or notarial or other act in writing, as in the said act is mentioned, the said customer or collector shall give to the exporter thereof a debenture, expressing

Clause for the encouragement of the exportation of gold and silver plate.

ing the true kinds and quantities of such plate and manufactures of gold or silver so exported, or shipped to be exported; and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty upon plate, at the several assay offices where the same were marked and assayed, shall, upon the said debenture, so certified, being produced to him, forthwith pay a drawback or allowance, after the rate of eight shillings *per* ounce *Troy*, and proportionably for any greater or less quantity of such plate, or manufacture of gold; and after the rate of sixpence for every ounce *Troy*, and proportionably for every greater or less quantity of such plate, or manufacture of silver, out of the money of the said duties on plate, or manufactures of gold and silver, then in the hands of the said receiver or collector, without fee or reward; and if the said collector or receiver shall not have money in his hands to pay any such debenture, then the receiver general of the stamp-duties for the time being, is hereby required to pay, or cause to be paid, the said debenture, out of the duties arising by this act, any thing herein contained to the contrary notwithstanding.

Gold and silver watches, how to be marked.

IV. And be it further enacted, That the exporters of gold and silver watches shall mark or engrave in the inside of every case, or box of each watch, inclosing the works thereof, the same numbers and figures which shall be respectively marked or engraved on the works of the watch which shall be inclosed in such case or box.

Bonds to remain in force until the particulars herein mentioned shall be complied with.

V. *And, the better to prevent the fraudulent relanding of any plate in this kingdom, after the drawback has been paid and allowed for the same,* it is hereby further enacted by the authority aforesaid, That all securities and bonds, required to be taken as aforesaid, shall continue and remain in force, until every such exporter of any wrought plate, or manufactures of gold and silver, shall produce and deliver to such customer or collector the bill of lading thereof, and which shall have at the foot the receipt of the master of the vessel on board of which the said plate or manufactures were shipped, and also a receipt or certificate, on the back of such bill of lading, under the hand of the person to whom such wrought plate or manufactures of gold and silver were consigned, certifying or acknowledging that the same have been received, and mentioning in such receipt or certificate the true kinds and quantities of plate so consigned and received, and the name of the person consigning the same; and also, if such plate shall consist of watches, the numbers or figures marked or engraved in the inside of the case or box of each such watch, that then such securities and bonds shall and may be delivered up and cancelled.

Bonds to be cancelled upon the loss of any vessel exporting such

VI. Provided always, and be it further enacted, That where the ship or vessel, on board of which such plate, or manufactures of gold and silver, or watches, were shipped, shall be lost, or shall not, within the space of three years, return to any port in

in Great Britain; upon due proof thereof being made to the customer or collector at the port at which the said drawback was received, and the said bonds given, the said customer or collector shall deliver up to such exporters their securities and bonds, so given by them, in order that the same may be cancelled, if no fraud therein shall in the mean time have appeared, or no prosecution thereon shall have been commenced.

C A P. LXV.

An act for the further encouragement of the British fisheries.

WHEREAS the extending and improving of the British fishery Preamble. hath been frequently declared by parliament to be of great importance to this kingdom, inasmuch as it not only adds considerably to the national wealth, but is moreover a fruitful nursery of able seamen for the publick service: and whereas, by an act passed in the eleventh year of the reign of his present Majesty, intituled, An act for the encouragement of the white herring fishery, a bounty of thirty 11 Geo. 3. c. 11. shillings per ton is made payable annually to the owner or owners of all decked busses or vessels, from twenty to eighty tons burthen, fitted out and employed in the said fisheries, for the space or term of seven years, from and after the twenty-second day of October, one thousand seven hundred and seventy-one, and to the end of the then next ensuing session of parliament, in the manner, and under the regulations therein mentioned: and whereas, by an act passed in the nineteenth year 19 Geo. 3. c. 19. of his said Majesty's reign, for continuing and amending the said act, 26. it was enacted, That the said former act should, from and after the term in the said former act mentioned, be continued for and during the further term of seven years, and from thence to the end of the then next session of parliament: and whereas it might tend to the encouragement of the said fishery, by inducing a greater number of persons to engage therein, if the said bounty were extended, under certain restrictions, to the owners of decked busses or vessels of a greater burthen than eighty tons: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, From Aug. 1, 1785, the bounty of 30s. per ton extended to all decked vessels, except under 20 tons burthen. from and after the first day of August, one thousand seven hundred and eighty-five, the said bounty of thirty shillings per ton shall, during the continuance or the term for which the same was so granted, be extended to, and be payable and paid to the owner or owners of, all decked busses or vessels, of what burthen soever the same may be, other than and except decked busses or vessels under twenty tons burthen, which shall be in all respects (save only in respect to their burthen or tonnage) built, fitted out, visited, and licensed, according to the directions of the said last mentioned act, and shall be manned, victualled, furnished, and accounted, in proportion to their respective rates of tonnage, in the manner by the said act prescribed for the manning, victualling, furnishing, and accounting

ring buſſes and veſſels of a burthen not exceeding that of eighty tons: provided nevertheless, that no owner or owners ſhall be intitled to the ſaid bounty for more than eighty tons, upon or in reſpect of any buſ or veſſel, although ſuch buſ or veſſel ſhall exceed that burthen.

Preamble, relative to pa-
ces of rendez-
vous appoint-
ed by former
acts.

II. And whereas, in and by the ſaid recited act of the eleventh year of his preſent Maſty's reign, certain times and places are appointed for the rendezvous of all decked buſſes and veſſels employed in the ſaid fiſhery, and certain oaths are thereby alſo directed to be taken by the owner and maſter, or chief officer of every ſuch buſ or veſſel, before the collector or comptroller of the port of her clearance outwards, previous to the departure of ſuch buſ or veſſel, and by the ſaid maſter or chief officer, after her return to ſuch port as afoſaid, in order to her diſcharge, as well in reſpect to her being at one of the ſaid places of rendezvous, as in reſpect to ſeveral other matters therein ſpecified: and whereas by the ſaid act, made in the nineteenth year of his preſent Maſty's reign, for continuing and amending the ſaid former act, the times of rendezvous were altered, and other places of rendezvous were added to thoſe appointed by the ſaid former act: and whereas the compelling buſſes and veſſels, employed in the ſaid fiſhery, to rendezvous at the places, and within the times, in and by the ſaid act appointed and limited for that purpoſe reſpectively, has been found extremely inconvenient, and injurious to the owners of ſuch veſſels, and to the perſons employed therein, and is a great diſcouragement to the fiſhery; be it therefore further enacted, That ſo much, and ſuch parts of the ſaid two ſeverally recited acts, as direct that any decked buſ or veſſel ſhall proceed to or be at any of the places of rendezvous, in and by the ſaid acts for that purpoſe appointed, and alſo ſo much and ſuch parts of the ſaid recited act of the eleventh year of his preſent Maſty's reign, as direct that the owner or maſter, or chief officer of any ſuch veſſel, ſhall make ſuch ſeveral oaths as are therein preſcribed, ſhall be, and the ſame are hereby repealed; and that, inſtead thereof, the owner or owners, and maſter or chief officer of the veſſel ſhall, before her clearance, take and ſubſcribe an oath, before the collector or comptroller of the port of clearance outwards, in the following ſort; that is to ſay,

Part of the
ſaid acts re-
pealed.

Owner, etc.
to be ſworn
before clear-
ance out-
wards.

The oath.

I A. B. do ſwear, That it is really and truly my firm purpoſe and determined reſolution, that the buſ or veſſel, now lying in the part of ^{called} (ſpecifying the names of the port and veſſel,) as now manned, ſupplied, and accoutred, ſhall proceed immediately upon the Britiſh white herring fiſhery, there to continue fiſhing, in an orderly regular manner, for the ſpace of three months at the leaſt, (unleſs ſhe ſhall have ſooner completed her full loading of fiſh,) without impeding or obſtructing any other veſſels which ſhall be employed in the ſaid fiſhery.

So help me GOD.

And that the maſter, or chief officer of the veſſel, after her return to port in order to her diſcharge, ſhall likewiſe take and ſubſcribe

ſubſcribe the following oath, before the ſaid collector or comp-
troller; that is to ſay,

A. B. do ſwear, That the buſs or veſſel, called the
— now lying in the port of (ſpecifying
the names of the veſſel and port,) did, without delay proceed
from the ſaid port, upon her laſt clearance from thence outwards, i-
or upon the Britiſh white herring fiſhery, and did there remain and
continue employed in fiſhing for herrings, or other fiſh, according to
law; and that during all that time, the quantity of nets and other
ſtores, and number of men by law in that behalf, required were on
board the ſaid buſs or veſſel, or were employed in the lawful proſecu-
tion of the ſaid fiſhery; and that the ſaid buſs or veſſel hath not, ſince
her ſaid laſt clearance outwards from the ſaid port, been on any other
veyage, or purſued any other deſign or view of profit than that of
taking fiſh, and ſalting or curing the ſame, or ſalting or curing other
freſh fiſh lawfully purchaſed at ſea; and that all the fiſh brought into
port by the ſaid buſs or veſſel, were taken by the crew belonging there-
to; [and in caſe of the buſs or veſſel not returning till after the
expiration of three months, the following words are to be added
to the ſaid oath, (videlicet,) or were purchaſed of Britiſh ſub-
jects.]

Oath to be
taken by the
maſter after
return into
port.

So help me GOD.

III. And be it further enacted, That, from and after the
firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, From Aug. 1,
the owners or maſters of any decked buſſes or veſſels, being 1785, all deck-
built, manned, victualled, furniſhed, accounted, ſtored, fitted ed veſſels, on
out, and licensed in the manner required by the ſaid recited act compliance
of the eleventh year of his preſent Maſteſty's reign, and which with certain
ſhall clear out of any port of *Great Britain* at any time or times conditions,
between the firſt day of *June* and the firſt day of *October*, and ſhall be intitled
ſhall proceed immediately upon the white herring fiſhery, and to the
ſhall there begin and continue to fiſh, according to the regula- bounty of 30s.
tions of the ſaid laſt mentioned act, and of this preſent act, per ton.
without returning into port for the ſpace of three calendar
months, to be computed from the day upon which ſuch own-
ers or maſters reſpectively fiſt ſhot or wetted their nets, or ſhall
return into port within that ſpace of time with a full cargo of
fiſh, taken wholly by the crew of ſuch buſs or veſſel, ſhall be
intitled to the ſaid bounty of thirty ſhillings per ton; any thing
in the ſaid two ſeverally recited acts, or either of them, con-
tained to the contrary notwithstanding.

IV. And be it further enacted, That in caſe the crew of any
buſs or veſſel, employed in the ſaid white herring fiſhery, ſhall, Regulations
during the time of their continuance at ſea, catch any cod, ling, relative to
or hake, it ſhall and may be lawful to add for ſuch crew to cod, ling, and
take and uſe, for the ſalting or curing of ſuch cod, ling, or hake.
a ſufficient quantity of the ſalt on board of ſuch buſs or
veſſel, for which they ſhall be intitled to the ſame allowance as
if the ſame had been conſumed in the ſalting or curing of her-
rings,

rings, but so as nevertheless that no bounty shall be allowed on the exportation of such cod, ling, or hake; and to that intent all such cod, ling, and hake shall, on the landing thereof, and before the same shall be removed from shore, have part of the tail cut off in the presence of the collector or comptroller of the port, that it may be known that the owners of the fish so marked are not intitled, in respect thereof, to any bounty upon the exportation of the same; and the said collector or comptroller is hereby impowered and required to cut off, or cause to be in his presence, part of the tail of all such cod, ling, and hake, on the landing thereof; and if any of such cod, ling, or hake, shall be landed or removed from the shore before the same shall be tendered to the said collector or comptroller to have part of the tail cut off as aforesaid, all the fish so landed or removed shall be forfeited, together with double the value thereof, to be recovered of the importer of such fish, or of the proprietor or master of the vessel.

Owners of
decked vessels
may purchase,
at sea, fresh
herrings, etc.
from British
subjects.

Particulars to
be sworn to
on landing
thereof.

V. And be it further enacted, That it shall and may be lawful to and for the owners or chief officers of any decked busses or vessels, employed in the said fishery, to purchase in any part of the seas, or other waters where such fish are to be found, any quantity or quantities of fresh and unsalted herrings, cod, ling, or hake, from or out of any boat or boats belonging to *British* subjects; and also to ship any quantity of fish, as well what they shall catch or take, as what they shall so purchase on board of any other *British* vessel or vessels; and that the owner or owners, or chief officer or officers, of such last-mentioned vessel or vessels shall be at liberty to enter and land the fish so shipped on board thereof, in any port or ports of *Great Britain*, in such and the same manner as the owners or chief officers of the busses or vessels, out of which the same shall be so shipped, could or might have lawfully done; oath being taken and subscribed, by the owner or chief officer of each respective vessel bringing such fish into port, before the collector or comptroller of the port where the same shall be entered, specifying the sorts of fish, and the respective quantities of each sort, together with the name or names of the bus or vessel, busses or vessels, from which the said fish were shipped, and of the respective master or chief officer thereof, and of the port or ports from whence the said bus or vessel, busses or vessels, was or were cleared; and also that such fish were, according to the best of his knowledge and belief, caught and salted, or caught and cured, as the case may be, by *British* subjects; and the collector or comptroller of the port, at which such fish shall be so entered and landed, shall, upon demand, deliver *gratis*, to any of the owners of such fish, a certificate under his hand and seal, specifying the particulars of the same, and the salting or cure thereof; which certificate shall be admitted as proof of the consumption of the salt used in the salting or curing of such fish, as the case may be.

VI. Provided always, That no owner or owners of any bus

or vessel, which shall return into port from the said fishery, within the said space of three calendar months, to be computed from the day whereon the nets belonging to such bus or vessel were first shot or wetted, without a full cargo of herrings; or having a full cargo, unless the whole of such cargo was *bona fide* caught and taken by the crew belonging to such bus or vessel, shall be intitled to any bounty in respect of the tonnage of such bus or vessel; any thing herein, or in any other act, contained to the contrary notwithstanding.

Vessels returning into port within three months, without a full cargo, not intitled to bounty.

VII. *And, for reviving and encouraging the cod fishery in the north seas and Iceland, and that the same may be carried on with success,* be it further enacted, That the master of any boat or

vessel, bound on a fishing voyage to the said north seas or *Iceland*, shall, from and after the first day of *August*, one thousand seven hundred and eighty-five, be allowed to take from any salt works or salt pits, any quantity of *British* salt for the salting or curing of fish, without paying any duty for the same, such salt being weighed at the salt pit or salt works in the presence of an officer for the duties upon salt, and being lodged in a warehouse under the lock and key of the said officer, as well as of the proprietor of the said salt; which salt, so lodged as aforesaid, shall remain in the custody of the said officer, jointly with the said proprietor, until the same shall be delivered out to be put on board the fishing vessel, and so from time to time on each succeeding voyage; and upon the return of such vessel from the fishing voyage, the whole of the salt in such vessel, which shall not have been used under the authority of this act, in the salting or curing of fish as aforesaid, shall again be lodged under the like custody as aforesaid, the proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the respective quantities of *British* salt so lodged by him or them from time to time as aforesaid, and the said officer keeping an account of every respective quantity of the said salt so entered and lodged in his custody as aforesaid; and that previous to every fishing voyage, the proprietor or proprietors of the said salt, or his or their agent or agents, shall make oath in writing, before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged, declaring the quantity of the salt lodged as aforesaid, and that all the said salt is intended for the curing of fish to be caught at the north seas, or at *Iceland*, and shall not, by his or their order, consent, or connivance, directly or indirectly, be sold, given away, or any ways delivered but for the purpose aforesaid; after which oath, so made as aforesaid, and filed up by the said officer, in the said office, the officer, in the joint custody of whom, and of the proprietor or proprietors, or his or their agent or agents, the salt has continued during the interval of the fishing voyage, shall deliver into the sole custody of the said proprietor or proprietors, his or their agent or agents, all the said salt for the curing of fish to be taken during the said fishing voyage; and that, at the end of every fishing voyage, the officer for the said

From Aug. 1, 1785, masters of vessels bound to the north seas or Iceland may take salt for curing of fish without paying duty.

Salt not used to be returned to the warehouse.

Previous to every voyage, the proprietor of salt intended for curing fish, to make oath of the quantity so lodged, etc.

and at the end thereof, to deliver a written account to the salt office, specifying the quantity of fish entered, etc.

Every person receiving salt as aforesaid, shall deliver an account of the quantity used in each voyage.

on penalty of 100*l*.

Restrictions on delivering out salt at sea.

duty on salt shall take a particular account of the quantity of salt remaining in hand, which remaining salt shall be immediately locked up in the joint custody of the said officer and proprietor or proprietors, his or their agent or agents, as aforesaid; and the said proprietor or proprietors, his or their agent or agents, using the said salt, shall, as soon as possible, after the end of every fishing voyage, deliver an account in writing into the said office for the duty on salt, specifying the quantity of fish entered with the proper officer or officers of the port or ports where such fish was landed, in the curing or salting of which any of the salt taken away, after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, together with a certificate or certificates from the proper officer or officers of the port or ports where the said fish were so entered, verifying the said account; which certificate or certificates such officer or officers is and are hereby directed to give *gratis*, and which said account delivered into the office as aforesaid, shall be affirmed by the oath of the said proprietor or proprietors, his or their agent or agents, using the said salt, and shall remain in the said office, to the end that the quantity of fish salted or cured and entered, and the quantity of salt used in salting or curing the same, may, from time to time, appear upon oath, and be compared together; and in case any of the said salt shall be delivered over to any other person or persons, to be by him or them used in salting or curing of fish, the quantity or quantities of salt so delivered over shall be expressed in the said account; and each person to whom such salt shall be so delivered, or his agent, shall likewise, upon oath, make another account of the particular quantity of such salt used by each of them in the salting or curing of fish; which account, together with the proper certificates, as aforesaid, shall likewise be transmitted into the office aforesaid, there to remain, for the purposes above mentioned; and if such proprietor, or his agent, or any other person or persons to whom any quantity of salt shall be delivered over as aforesaid, shall, for the space of six months after the end of every respective fishing season, refuse or neglect to deliver such account, attested upon oath, as aforesaid, such proprietor or other person shall, for every such offence, forfeit the sum of one hundred pounds.

VIII. Provided always, and be it further enacted, That no part of the salt so shipped as aforesaid shall be afterwards re shipped or delivered out at sea to any person or persons, save only in the north seas or at *Iceland*, and to *British* subjects belonging to fishing vessels which shall have been regularly cleared out of a *British* port; and that so often as any salt shall be so delivered out as aforesaid, the owner or master of the vessel from whence the same shall be re shipped, shall make and subscribe an oath before the collector or comptroller of the port of his out-fit, specifying the quantity delivered, and the names of the vessels on board of which the said salt shall have been shipped, and of the

the owner and master thereof, and the place of her out-fit, to the intent that, if both vessels shall not have been cleared outwards from one and the same port, the respective collectors or comptrollers of the several ports of clearance of such vessels may be duly informed, by each other, of the circumstances of the case, and which they are hereby expressly required, from time to time, to communicate to each other forthwith; and also to the intent that the several owners or masters, through whose hands any of such salt shall pass, may be charged with and called upon, at the ports of their respective out-fits, to account upon oath for the due consumption of the same in the salting or curing of fish; and the like rule and regulation shall be, and are hereby enacted and established, for the due accounting for the said salt through whosesoever hands the same shall or may pass at sea.

IX. Provided also, and be it further enacted and declared, That no bounty whatsoever shall be paid or allowed upon the exportation of any cod, ling, hake, or other fish, which shall be brought or imported into *Great Britain from Iceland or the north seas*, any act or statute to the contrary notwithstanding: and, to the intent that no such bounty may be allowed, all such cod, ling, or other fish, so imported as aforesaid, shall, on the landing thereof, and before the same shall be removed from shore, have part of the tail cut off in the presence of the collector or comptroller of the port, that it may be known that the owner or owners of the fish so marked are not intitled, in respect thereof, to any bounty on the exportation of the same.

No bounty to be paid on exportation of cod, etc. brought from the north seas, etc.

X. And be it further enacted, That when and so often as any salt shall have been so reshipped at sea, and the consumption thereof duly accounted for as aforesaid, the collector or comptroller, before whom the account thereof shall be taken, shall grant a certificate of the same, under his hand, *gratis*, directed to the collector or comptroller of the port at which the said salt was originally shipped; which certificate, being produced by the person who so shipped the salt, shall be admitted as proof of such consumption, and intitle such person to credit for the same upon his account; but no such certificate shall be available, or admitted as proof of the due consumption of any salt pretended to have been reshipped or delivered over at sea, unless such certificate shall be delivered to the collector or comptroller of the port where the said salt was originally shipped, within the space of six calendar months next after the return to port of the bus or vessel on board of which the salt was so originally shipped as aforesaid.

Clause relative to salt reshipped at sea.

XI. And be it further enacted, That for every bushel of salt, so as aforesaid taken out of the salt works or warehouse, which shall not be accounted for in the manner above-mentioned, or by certificate from the justices of the peace at their quarter sessions, that proof was there made that such salt was put on board any boat or vessel for salting or curing of fish at sea, and was there

Penalty of not accounting for salt taken out of the salt works, etc.

Penalty on persons selling or disposing of such salt.

there taken by enemies, or otherwise lost or perished at sea, or shall not be returned into or found remaining, at the end of every fishing voyage, in the warehouse as aforesaid, the proprietor or proprietors thereof, or his or their agent or agents, who took out the same, shall, according to the quantity or respective quantities for which he or they shall stand accountable, forfeit and pay the sum of twenty shillings; and every such person selling, giving away, using, or delivering any such salt, or consenting, or being anyways privy to the selling, giving away, using or delivering such salt, directly or indirectly, otherwise than for the purposes and to the persons aforesaid, shall forfeit, pay, and undergo the penalties and punishments herein-after mentioned; (that is to say),

Every proprietor of such salt, or his agent, for every bushel of such salt so sold, given away, used or delivered, shall forfeit and pay the sum of twenty shillings:

And every other person, buying, taking, or using any such salt, otherwise than for the purpose and in the manner aforesaid, shall forfeit and pay the sum of twenty shillings for every bushel of salt so bought, delivered, or used; and after that rate for a less quantity.

Penalty on proprietor for salt found wanting at redelivering thereof.

XII. And be it further enacted, That, for every bushel of salt so lodged, which shall either be carried away, or be found wanting, at the redelivering thereof into the sole custody of the proprietor thereof as aforesaid, reasonable allowance for the waste of such salt being first made, the said proprietor shall forfeit the sum of twenty shillings, to be applied and recovered as herein-after mentioned.

Penalty on embezzling British salt after carried from the pit, etc. for curing fish.

XIII. And be it further enacted, That, every person who shall unlawfully take away, embezzle, or misapply, any *British* salt, after it is weighed and carried from any salt work or salt pit in *Great Britain*, in order to its being cellared and locked up for the curing or salting of fish, and before it is brought unto, and locked up in any cellar or storehouse by the proprietor and the officer for the salt duties, as directed by this act, shall forfeit and pay the sum of twenty shillings for every bushel of *British* salt so unlawfully taken away, embezzled, or misapplied, reckoning such *British* salt at fifty-six pounds weight to the bushel, and so in proportion for a less quantity.

Penalties and forfeitures how to be recovered and applied.

XIV. And be it further enacted, That all penalties and forfeitures given by this act shall be distributed in manner following; (that is to say), one moiety thereof to his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall seize, inform, or sue for the same; and shall be sued for, recovered, and levied, in such manner and form, and with such power of mitigation, as any fine, penalty, or forfeiture, may be sued for, recovered, levied, and mitigated, by any law of excise, or by action of debt, bill, plaint, or information,

mation, in any of his Maſteſty's courts of record at *Weſt-minſter*.

XV. And be it further enacted, That if any perſon or perſons ſhall happen to be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, ſuch perſon or perſons ſhall or may plead the general iſſue, and give this act, and the ſpecial matter in evidence; and if upon trial a verdict ſhall paſs for the defendant or defendants; or if the plaintiff or plaintiffs ſhall become nonſuited, diſcontinue, or forbear proſecuting ſuch action or actions, then ſuch defendant or defendants ſhall be intitled to double coſts againſt ſuch plaintiff or plaintiffs, for which he or they ſhall have the like remedy as a defendant can have in any caſe where coſts are given him by law.

Limitation of actions.

General iſſue.

Double coſts.

XVI. Provided always, and it is hereby declared, That nothing in this act contained ſhall extend, or be implied or conſtrued to extend, to repeal or alter any act or acts now in force, or any of the claules or provisions therein contained, or to take away, abridge, leſſen, or affect any of the powers or authorities thereby given or granted reſpectively, for ſettling or regulating the mode or courſe to be obſerved in fitting out for any fiſhery, or clearance outwards, or entry inwards, or the diſcharge of any buſs or fiſhing veſſel, or in cellaring, ſecuring, ſhipping, re-ſhipping, or re-landing any ſalt to be uſed for the ſalting or curing of fiſh, or in fiſhing for, catching, ſalting, curing, ſlowing, landing, removing, marking, or exporting any fiſh whatſoever, or in the payment or allowance of any bounties thereby reſpectively granted on the tonnage or burthen of any buſs or veſſel, or on any fiſh to be exported; ſave only and except ſo far as any ſuch act or acts, or the claules, provisions, powers, or authorities therein contained or granted, are ſpecifically or expreſsly repealed, revoked, altered, or controuled, by this preſent act, or repugnant to any of the provisions herein contained; but that all and ſingular the ſaid former acts, and the bounties thereby granted, and the ſeveral rules, regulations, powers and authorities, therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-obſervance of the ſame, except as aforeſaid, ſhall remain and continue in the ſame force and effect as if this act had not been made, any thing herein contained to the contrary notwithstanding.

Not to affect the powers given by any acts for regulating the mode to be obſerved in fitting out for any fiſhery, any fiſhery, etc.

Exception.

C A P. LXVI.

An act to explain and amend an act, made in the twenty-fourth year of the reign of his preſent Maſteſty, intituled, An act for granting to his Maſteſty certain rates and duties upon bricks and tiles made in Great Britain; and for laying additional duties on bricks and tiles imported into the ſame.

WHEREAS by an act paſſed in the laſt ſeſſion of parliament, *Preamble.*
(intituled, An act for granting to his Maſteſty certain rates

Recital of
part of 24
Geo. 3. c. 24.

rates and duties upon bricks and tiles made in Great Britain; and for laying additional duties on bricks and tiles imported into the same), it was enacted, That if any person or persons, who should make any bricks or tiles chargeable with the said duties, should remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they should be first put or placed to dry or harden, after being turned out of the mould, and before the proper officers of excise should have taken an account thereof, and charged the duties thereupon, he, she, or they should forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader, or dealer therein, should be forfeited, and might be seized, or the value thereof: and it was also enacted, That all and every person and persons, making any bricks or tiles as aforesaid, should, from time to time, keep such and so many of the said bricks and tiles, as should not have been surveyed and taken an account of by the proper officers in that behalf, separate and apart from all other bricks and tiles which should have been surveyed and taken an account of by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds: and whereas the said provisions have been found inconvenient; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said hereinbefore recited provisions shall be, and the same are hereby repealed.

From Aug. 1,
1785, the re-
cited provi-
sions repealed.

Makers who
shall remove
bricks or tiles
to the kiln
before the
officer has
charged the
duties, shall
forfeit the
same, and also
50l.

II. And be it enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, if any person or persons, who shall make any bricks or tiles chargeable with the said duties by the said act imposed, shall remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they shall be put or placed to dry or harden, and before the proper officer of excise shall have taken an account thereof, and charged the duties thereupon, he, she, or they shall forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader or dealer therein, shall be forfeited, and may be seized, or the value thereof, and shall and may be recovered, to wit, one moiety to the use of his Majesty, and the other moiety to the seizer or informer.

III. And be it further enacted by the authority aforesaid, That

That all and every person and persons, making any bricks or tiles as aforesaid, shall, from time to time, keep such and so many of the said bricks and tiles, as shall not have been surveyed and charged by the proper officers in that behalf, separate and apart from all other bricks and tiles, which shall have been surveyed and charged by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds.

Bricks and tiles not surveyed, etc. by the proper officer, to be kept separate from others.

IV. And whereas the makers of bricks and tiles do sometimes place their bricks and tiles, while the same are in the operation of drying or hardening, in irregular and unusual rows or positions, on purpose to make it difficult for the officer of excise to take an account of the same; be it enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every maker of bricks or tiles shall, while the bricks or tiles shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the mould, place or dispose such bricks and tiles, or cause the same to be placed or disposed, in such manner and form as that the officer of excise who shall survey such bricks may easily and securely take an account thereof; and if any maker of bricks and tiles shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, place and dispose, or cause to be placed or disposed, such bricks or tiles, while the same shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the moulds, in any irregular and unusual manner, with intent to make it difficult or unsafe for the officer of excise to take an account thereof, every such maker of bricks or tiles shall, for every such offence, forfeit and lose the sum of fifty pounds.

From Aug. 1, 1785, all bricks, while drying, to be so placed that the officer may easily take an account thereof;

V. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures inflicted by this act, shall be sued for, recovered, levied, or mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

Penalties and forfeitures how to be recovered and applied.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done in pursuance of this act, or the said act made in the last session of parliament, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon;

Limitation of actions.

General issue.

and

and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

Treble costs.

C A P. LXVII.

An act to prohibit the exportation to foreign parts, of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen employed in those manufactures, to go into parts beyond the seas.

Preamble.

WHEREAS the exportation of the several tools and utensils made use of in preparing, working up, and finishing, the iron and steel manufactures of this kingdom, or either of them, will enable foreigners to work up such manufactures, and thereby greatly diminish the exportation of the same from this kingdom; therefore, for the preserving, as much as possible, to his Majesty's subjects the benefits arising from those great and valuable branches of trade and commerce, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if, at any time after the first day of *August*, one thousand seven hundred and eighty-five, any person or persons in *Great Britain* shall, upon any pretence whatsoever, export, load, or put on board, or pack, or cause or procure to be laden, put on board, or packed, in order to be loaded or put on board of any ship or vessel which shall be bound to some port or place in parts beyond the seas (except to *Ireland*), or shall lade, or cause or procure to be laden on board any boat or other vessel, or shall bring, or cause to be brought, to any quay, wharf, or other place, in order to be so laden or put on board any such ship or vessel, any tool or utensil hereafter mentioned; that is to say, hand stamps, dog head stamps, pulley stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts, in iron, steel, or other metal, which are used for giving impressions to metal, or any parts of these several articles; presses of all sorts called *Cutting-out Presses*, beds and punches to be used therewith; piercing presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; iron or steel dies to be used in stamps or presses either with or without impressions on them; rollers of cast iron, wrought iron, or steel, for rolling of metal, and frames for the same; flasks or casting moulds, and boards used therewith; lathes of all sorts for turning, burnishing, polishing, either the whole together, or separate parts thereof; lathe strings, polishing brushes, scoring or shading engines, presses for horn buttons,

From Aug. 1, 1785, no person to put on board any vessel, for exportation, any tool, etc in the act specified,

rons, dies for horn buttons, sheers for cutting of metal, rolled steel, rolled metal with silver thereon, parts of buttons not fitted up into buttons, or in an unfinished state; engines for chafing, stocks for casting buckles, buttons, and rings; cast iron anvils and hammers for forging mills for iron and copper; roles, slitters, beds, pillars and frames for sitting mills; die-sinking tools of all sorts, engines for making button shanks, laps of all sorts, drilling engines, tools for pinching of glass, engines for covering of whips, polishing brushes, bars of metal covered with gold or silver, iron or steel screw plates, pins, and stocks for making screws, or any other tool or utensil whatsoever, which now are, is, or at any time or times hereafter shall or may be used in, or proper for the preparing, working, finishing, or completing of the iron or steel manufactures of this kingdom, or either of them, by what name or names soever the same shall be called or known, or any model or plan, or models or plans, of any such tool, utensil, or implement, or any part or parts thereof; the person or persons so offending shall, for every such offence, not only forfeit and lose all such tools or utensils, or parts or parcels thereof, together with the packages, and all other goods packed therewith, if any such there be, and complaint being made, upon the oath of one or more credible witness or witnesses, before any justice or justices of the peace, it shall and may be lawful to and for such justice or justices of the peace to issue his or their warrant or warrants to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace for the same county, city, riding, division, liberty, shire, stewardry, or place; and if, when such person or persons shall be brought before such justice or justices, he, she, or they shall not give such an account of the use or purpose to which such tools, utensils, or implements, and part or parts thereof, and all such model or plan, models or plans, and part or parts thereof, are intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to bind the person or persons so charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, stewardry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit the person or persons so refusing to the common gaol, or house of correction, there to be kept until the next assizes, or next quarter sessions of the county, city, riding, division, shire, stewardry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law: and in case any such person or persons shall be convicted of any of the offences aforesaid, upon any indictment or information against

on penalty of
forfeiture
thereof;

and if the of-
fender shall
not give a
satisfactory
account be-
fore the ma-
gistrate, he
shall be bound
to appear at
the next as-
sises, etc.

or be com-
mitted for
trial.

Penalty on
conviction.

at such address or quarter within the peace as aforesaid; the person or persons so offending shall, for every such offence, forfeit the sum of two hundred pounds of lawful money of *Great Britain*, and shall also suffer imprisonment, in the common gaol, prison, or house of correction, of the county, city, riding, division, liberty, shire, stowrtry, or place, wherein such offender or offenders shall be respectively convicted, for the space of twelve months, without bail or main-prize, and until such forfeiture shall be paid.

From Aug. 1, 1785, officers of the customs to seize all such tools, etc. laid, or intended to be laid, on board any outward bound vessel;

such goods to be sold.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, it shall and may be lawful to and for any officer of his Majesty's customs in *Great Britain*, and they are hereby required to seize and secure, in some or one of his Majesty's warehouses, all such tools, utensils, or implements, or part or parts thereof; and all and every such model or plan; models or plans, or part or parts thereof, as such officer shall find or discover to be laid or put on board, or intended to be laid or put on board, of any ship, vessel, or boat, which shall be bound to some port or place in parts beyond the seas, (except to *Ireland*), contrary to the true intent and meaning of this act, together with the packages, and all other goods packed therewith, (if any such there be), and they are hereby indemnified in so doing; and all tools, utensils, and implements, or part or parts thereof, model or plan, models or plans, or part or parts thereof, together with the packages, and other goods packed therewith, so seized and secured as aforesaid, shall, after condemnation thereof in due course of law, be publickly sold to the best bidder, by order of the commissioners of the customs in *Great Britain* respectively; and one moiety of the produce arising by the sale thereof, after deducting the charges of condemnation and sale, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer who shall seize and prosecute the same as aforesaid.

Penalty on masters of vessels who shall permit any such tools, etc. to be put on board.

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if the captain or master of any ship, vessel, or boat, in *Great Britain*, shall knowingly or designedly permit or suffer any tool, utensil, or implement, or part or parts thereof, or any model or plan, or part or parts thereof, by this act prohibited to be exported as aforesaid, to be put on board his said ship, vessel, or boat, every such captain or master shall, for every such offence, forfeit the sum of two hundred pounds; and if the said ship, vessel, or boat, shall belong to his Majesty, his heirs or successors, then the captain or master thereof shall not only forfeit the sum of two hundred pounds, but shall also forfeit his employment, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

IV. And be it further enacted by the authority aforesaid, That if any customer, comptroller, surveyor, searcher, waiter, or

or other officer of the customs in *Great Britain*, shall take, or knowingly or willingly suffer to be taken, any entry outward; shall sign any cocket, warrant, or sufferance, for the shipping or exporting of any of the said tools, utensils, or implements, or any part or parts thereof, or any of the said models or plans, or any part or parts thereof, by this act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this act; every such customer, comptroller, surveyor, searcher, waiter, or other officer of the customs of *Great Britain*, shall, for every such offence, forfeit the sum of two hundred pounds, and shall also forfeit his office, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

ing any entry
outwards, etc.
for such tools
or utensils.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons hath or have in his, her, or their custody, power, or possession, or shall collect, obtain, make, apply for, or cause or procure to be made, any such tool, utensil, or implement, or any part or parts thereof, or any such model or plan, models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported out of *Great Britain* to any part or place beyond the seas, (except to *Ireland*), and complaint being made, upon the oath of one or more credible witness or witnesses, before any justice or justices of the peace, that there is reason to believe such person or persons hath or have in his, her, or their custody, power, or possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, or any such model or plan, or models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported to some other port or place than *Great Britain* or *Ireland*; then, and in any of the said cases, it shall and may be lawful to and for the said justice or justices of the peace to issue his or their warrant or warrants to seize all such tools, utensils, or implements, or part or parts thereof, and all such models or plans, or part or parts thereof as aforesaid, and to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace, for the same county, city, riding, division, shire, stewartry, or place; and if such person or persons shall not give such an account of the use or purpose to which such tools, utensils, or implements, or part or parts, models or plans, or part or parts thereof, is, are, or were intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to cause all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall have been so seized as aforesaid, to be detained, and also to bind the person or persons so

From Aug. 1,
1785, any
person having
in possession
any such tool,
utensil, etc.
with intent
to export the
same, any
justice may
issue his war-
rant for seiz-
ing thereof,
and bringing
such person
before him;

and if he shall
not give a sa-
tisfactory ac-
count of the re-
of, such tools,
etc. may be
detained, and
the possessor
bound over to
appear at the
next assizes,
etc.

or may be
committed.

Penalty in
case of con-
viction.

charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, shire, stewartry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit such person or persons to the county gaol, prison, or house of correction, there to remain until the next assizes, or quarter sessions of the county, city, riding, division, liberty, stewartry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted, upon any indictment or information against him, her, or them, at such assizes or quarter sessions of the peace as aforesaid, of having in his, her, or their custody, power, or possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, model or plan, or part or parts thereof, with such intent as aforesaid, then, and in such case, the person or persons so convicted shall, for every such offence, forfeit and lose all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall be so seized and detained, and also the sum of two hundred pounds of lawful money of Great Britain, and shall suffer imprisonment in the common gaol of the county, city, riding, division, shire, stewartry, or place, wherein such offender or offenders respectively shall be committed, for the space of twelve months, without bail or mainprize, and until such forfeiture shall be paid.

Penalty on
persons en-
tering artifi-
cers in the
iron or steel
manufac-
tures, etc. to
leave this
kingdom,
(except to
Ireland):

For first of-
fence, 100l.
and twelve
months im-
prisonment;

VI. *And whereas, for the encouraging of such manufactories in this kingdom, it is necessary that provision should be made to prevent artificers, and others employed therein, from departing, or from being seduced to depart out of this kingdom;* be it therefore further enacted by the authority aforesaid, That from and after the said first day of August, one thousand seven hundred and eighty-five, if any person or persons shall contract with, entice, persuade, or endeavour to seduce or encourage, any artificer or workman concerned or employed, or who shall have worked at, or been employed in the iron or steel manufactures in this kingdom, or in making or preparing any tools or utensils for such manufactory, to go out of Great Britain to any parts beyond the seas (except to Ireland), and shall be convicted thereof, upon indictment or information in the court of king's bench at Westminster, or by indictment at the assizes, or general gaol delivery, or quarter sessions of the county or place wherein such offence shall be committed, or the offender or offenders shall live or reside, or by indictment in the court of judicature, or any of the circuit courts in Scotland, as the case may be; every person so convicted shall, for every artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the sum of five hundred pounds of lawful money

money of *Great Britain*, and shall be committed to the common gaol for the county, place, or stewardry, wherein the offender or offenders shall be convicted, there to remain without bail or mainprize for the space of twelve calendar months, and until such forfeiture shall be paid; and in case of a subsequent offence of the same kind, the person or persons so again offending shall, upon the like conviction, forfeit and pay, for every person so contracted with, enticed, persuaded, encouraged or seduced, or attempted to be, the sum of one thousand pounds of lawful money of *Great Britain*, and shall be committed to the common gaol as aforesaid, there to remain, without bail or mainprize, for and during the term of two years, and until such forfeiture shall be paid.

Second, etc.
1000l. and
two years
imprison-
ment.

VII. Provided always, That no person shall be prosecuted for any of the offences aforesaid, unless such prosecution shall be commenced within the space of twelve calendar months next after such offence shall be committed.

Prosecution
to be com-
menced with-
in 12 months.

VIII. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures, hereinbefore mentioned, shall and may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer, or in the court of session in *Scotland*, in the name of his Majesty's attorney general, or lord advocate, or in the name of some officer or officers of the customs in *Great Britain* respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and that one moiety of the said penalties and forfeitures shall go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the use of such officer or officers of the customs as shall sue and prosecute for the same respectively, after deducting the charges of prosecution from the whole.

Penalties and
forfeitures
how to be re-
covered and
applied.

IX. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced against any person for what he shall do in pursuance of this act, such suit or action shall be commenced within three months next after the fact committed; and the person so sued may file common bail, or enter a common appearance, and plead the general issue not guilty, and may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him or her, or if, upon demurrer, judgement shall be given against the plaintiff, the defendant shall recover treble costs.

Limitation of
actions.

General issue.

Treble costs.

C A P. LXVIII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom. — The act of 24 Geo. 3. c. 15. and former acts, continued till one year after July 22, 1785, in the same manner as before.

C A P. LXIX.

An act to repeal the duties upon flasks in which Florence wine and oil is imported; to permit the importation of wines in small flasks for private use; to revive, continue, and amend so much of an act made in the sixteenth year of his present Majesty, as follows the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America; for disallowing the drawback on the exportation of snuff; for continuing the permission to land rum or spirits of the British sugar plantations, before payment of the duties of excise; for reviving and continuing the premiums upon the importation of pitch, tar, and turpentine, from East Florida, into Great Britain; for allowing a bounty upon the exportation of silk gauzes, and a drawback upon the exportation of

Preamble.
17 Geo. 3.
c. 39.

WHEREAS by an act, passed in the seventeenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons, and bodies politick and corporate, having certain quantities of silver plate; it was, amongst other things, enacted, That there should be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, the several rates and duties therein expressed, upon all glass imported and brought into the kingdom of Great Britain: and whereas it is expedient to repeal the said recited act, passed in the seventeenth year of his Majesty's reign, so far as the same relates to charging the flasks only, in which wine and oil have been usually imported, with the said duties; be it therefore enacted by the King's most excellent majesty, by and with the advice and content of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said recited act, so far as the same relates to charging duties upon the flasks only in which wine or oil, of the growth of the dominions of the great duke of Tuscany, shall be imported, shall be and is hereby repealed; and the said duties upon such flasks shall cease, determine, and be no longer paid or payable.

From Aug 1,
1785, the
duty on flasks,
in which Flo-
rence wine,
etc. is im-
ported, re-
pealed.

Recital of 18
Geo. 3. c. 27

11. And whereas by an act of parliament, made in the eighteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was, amongst other things, enacted, That no wines of the growth or produce of any part of the dominions belonging to the crown of Spain or Portugal, and

that

that no French wines should be imported or brought into Great Britain, in any smaller vessel or cask than what is commonly called an *Hoghead*, in which such wines have been usually imported, upon forfeiture of all such wines as should be imported contrary to the said act, together with the casks and other package containing the same, (except as therein-after was provided): and whereas by the said act it was provided, That any French wines may be imported in bottles, or that any wines may be imported in smaller casks than as therein-before limited, without fraud or concealment, for private use, and not by way of merchandize, any thing in the said act, or any other law, custom, or usage, to the contrary notwithstanding: and whereas, by 23 Geo. 3. c. 11. an act of Parliament made in the twenty-third year of the reign of his present Majesty, it was enacted, That the said proviso in the said recited act, so far as the same relates to Portugal or Spanish wines, or any other wines, except French wines, shall be repealed and made void: and whereas it is and may be expedient to permit Spanish and Portugal wines, and other wines, to be imported in small casks and other vessels for private use, under certain restrictions; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, in case it shall be made appear, to the satisfaction of the commissioners of his Majesty's customs in England or Scotland respectively, that any Spanish or Portugal wines, or any other wines, shall be imported into Great Britain, without fraud or concealment, in any smaller vessel or cask than what is commonly called an *Hoghead*, for the private use of the persons so importing the same, and not by way of merchandize, that then, and in every such case, it shall and may be lawful for the said respective commissioners, or any three or more of them, if they think proper, to admit such wine to an entry, and cause the duties to be accepted instead of the forfeiture thereof; any thing in the said last recited act, or any other act, custom, or usage, to the contrary notwithstanding.

From Aug. 1,
1785, wines
may be im-
ported in
small casks
for private
use.

III. And it is hereby further enacted by the authority aforesaid, That so much of an act made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, and to the island of Saint Helena, and to the other settlements belonging to the united company of merchants of England trading to the East Indies, and of biscuit and peas to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador; and for incommencing all persons with respect to advising or carrying into execution his Majesty's orders of council already made for allowing the exportation of wheat, and other articles*), as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, which was to continue in force until the first day of January, one thousand seven hundred and seventy-seven, and which, by several acts, made in the seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth years of the reign of his present Majesty, was continued

So much of
16 Geo. 3. c.
37.

a relates to
the exportation
of wheat,
&c. to the
British sugar
colonies,

revived; and
to continue
in force until
May 1, 1786,
&c.

From the
paſſing of this
act to May 1,
1786, wheat,
&c. may be
exported from
Lancaſter to
the ſugar co-
lonies.

until the firſt day of *May*, one thouſand ſeven hundred and eighty-five, ſhall, from and after the paſſing of this act, be revived, and the ſame is hereby revived, and ſhall continue in full force and effect until the firſt day of *May*, one thouſand ſeven hundred and eighty-fix, and from thence to the end of the then next ſeſſion of parliament.

IV. And be it further enacted, That, from and after the paſſing of this act, until the firſt day of *May*, one thouſand ſeven hundred and eighty-fix, and from thence to the end of the then next ſeſſion of parliament, it ſhall and may be lawful to ſhip and export from the port of *Lancaſter*, to his Maſteſty's ſugar colonies in *America*, for the ſuſtenance and uſe of the inhabitants of the ſaid colonies, any quantity of wheat, wheat flour, bread, biſcuit, and meal, not exceeding in the whole ten thouſand quarters, in like manner, and under the ſame regulations and reſtrictions, as if the ſame had been allowed to be exported by the ſaid recited act of the ſixteenth year of his preſent Maſteſty's reign.

V. And, for the better preventing of fraudulent practices in the mixing of ſnuff with other materials, or with other ſnuff which has been clandestinely imported into this kingdom, and run on ſhore without payment of duty, and entering the ſame outwards for exportation, to obtain a drawback of the duties thereon, and privately relanding the ſame in Great Britain, to the diminution of the publick revenue, and detriment of the fair trader, be it further enacted by the authority aforeſaid, That no drawback ſhall be paid or allowed, for any ſort of ſnuff which, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, ſhall be exported, or entered for exportation, from this kingdom, any law, cuſtom, or uſage, to the contrary notwithstanding.

No drawback
to be allowed
for ſnuff ex-
ported after
Aug. 1, 1785.

So much of
15 and 16
Geo. 2. c. 25.

VI. And be it further enacted by the authority aforeſaid, That ſo much of an act, made in the fifteenth and ſixteenth years of the reign of his late maſteſty King *George the Second*, (intituled, *An act to impower the importers or proprietors of rum or ſpirits of the Britiſh ſugar plantations to land the ſame before payment of the duties of exciſe charged thereon, and to lodge the ſame in warehouses at their own expence; and for the relief of Ralph Barrow, in reſpect to the duty on ſome rock ſalt, loſt by the overflowing of the rivers Weaver and Dane*), as relates to the landing of rum or ſpirits of the *Britiſh ſugar plantations* before payment of the duties of exciſe, and to the lodging of the ſame in warehouses at the expence of the importers or proprietors thereof, which was to continue in force from the twenty-ninth day of *September*, one thouſand ſeven hundred and forty-two, to the twenty-ninth day of *September*, one thouſand ſeven hundred and forty-nine, and from thence to the end of the then next ſeſſion of parliament; and which, by ſeveral ſubſequent acts, of the twenty-third and thirty-fiſt years of the reign of his ſaid late Maſteſty, and the fourth, eleventh, and nineteenth years of the reign of his preſent Maſteſty, was farther continued until the twenty-ninth day of *September*, one thouſand ſeven hundred and eighty-

as relates to
the landing
rum, &c. be-
fore payment
of exciſe du-
ties, etc.

eighty-five, and from thence to the end of the then next ſeſſion of parliament, ſhall be, and the ſame is hereby farther continued to
 ued from the expiration thereof, until the twenty-ninth day of Sept. 29, 1790.
 November, one thouſand ſeven hundred and ninety-two, and from thence to the end of the then next ſeſſion of parliament.

VII. Provided always, and it is hereby further declared and enacted, That the proprietor or proprietors, importer or importers, of ſuch rum or ſpirits of the growth, produce, or manufacture of the *British* ſugar plantations, within thirty days next after the maſter or purſer, for that voyage, of the ſhip or veſſel wherein the ſaid rum or ſpirits of the *British* ſugar plantations ſhall be imported or brought into the kingdom of *Great Britain*, ſhall have, or ought to have made a juſt and true entry or report, upon oath, of the burden, contents, and loading of ſuch ſhip or veſſel, in purſuance of the directions of the ſtatute made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuſes in his Maſteſty's cuſtoms*, ſhall make due entry with the officer or collector appointed for the exciſe, in the port or place where ſuch rum or ſpirits, as aforeſaid, ſhall be imported, of all ſuch rum or ſpirits on board of ſuch ſhip or veſſel belonging to ſuch proprietor or proprietors, importer or importers; and ſhall, within the ſaid thirty days, land the ſame, and put the ſame into ſuch warehouse or warehouses, and give ſuch ſecurity for the due payment of the duties of exciſe, as is or are directed by the ſaid act of the fifteenth and ſixteenth years of the reign of his ſaid late Maſteſty, on pain, for every neglect or refusal to make due entry, or to land the ſame, and put the ſame into ſuch warehouse or warehouses, and to give ſuch ſecurity for the due payment of the duties of exciſe within the ſaid thirty days, to forfeit all ſuch rum or ſpirits, with the caſks and packages wherein the ſame ſhall be contained, belonging to ſuch proprietor or proprietors, importer or importers of the ſame ſo neglecting or reſuſing, which ſhall and may be ſeized by any officer or officers of the exciſe.

Directions relative to entering ſuch rum, and lodging it in warehouses,

VIII. And whereas by an act, paſſed in the ſecond year of the reign of his late maſteſty King *George* the Second, intituled, *An act for the better preſervation of his Maſteſty's woods in America*, 35.
 for the better preſervation of his Maſteſty's woods in *America*, and for the encouragement of the importation of naval ſtores from thence; and to encourage the importation of maſts, yards, and bowsprits, from that part of *Great Britain* called *Scotland*; certain premiums, for the encouragement of the planters in the *British* plantations in *America* to ſend naval ſtores to *Great Britain*, were granted upon the importation thereof, for a limited time; which premiums, by ſeveral ſubſequent acts of parliament, were continued to the end of the ſeſſion of parliament in one thouſand ſeven hundred and eighty-two: and whereas conſiderable quantities of turpentine, pitch, and tar, have been prepared by the proprietors of plantations and lands in *East Florida*, for the purpoſe of importing the ſame into *Great Britain*, under an expectation of receiving the like premiums, and ſome part of ſuch turpentine, pitch, and tar, has been ſo imported

into Great Britain; but, for want of an act of parliament to further continue the granting such premiums, the importers thereof are not, by law, intitled to, nor can be allowed the same, without the interference of parliament, and other part of such turpentine, pitch and tar, is expected hereafter to arrive: and whereas it is just and expedient that the premiums heretofore granted upon the importation of pitch, tar, and turpentine, from East Florida into Great Britain, should be revived and continued, for a limited time, from the expiration of the session of parliament in one thousand seven hundred and eighty-two: be it therefore enacted by the authority aforesaid, That the several premiums or bounties upon turpentine, pitch, and tar, granted by the said recited act, passed in the second year of the reign of his late Majesty, and continued, by several subsequent acts, to the twenty-fourth day of June, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament, shall be, and the same are hereby revived, and continued, from the said period, to the twenty-fifth day of December, one thousand seven hundred and eighty-five.

The premiums upon the importation of turpentine, etc. from East Florida - revived, and continued to Dec. 25, 1785.

IX. And whereas, by reason of the cession of East Florida to the crown of Spain, several of the civil officers therein, whose duty it was to certify that such naval stores, exported from thence to Great Britain, were of the growth and produce of East Florida, may have removed therefrom, or may have omitted to give the usual certificates, whereby it is impracticable for the planters, or agents of proprietors resident in Great Britain, to obtain such certificates as were formerly required; be it therefore enacted, That the commissioners of his Majesty's navy shall, and they are hereby authorized and required to allow the said bounties upon the turpentine, pitch, and tar, imported and to be imported as aforesaid, before the said twenty-fifth day of December, one thousand seven hundred and eighty-five; provided the importer or importers shall make oath that, to the best of their knowledge and belief, the turpentine, pitch, and tar, mentioned in their affidavit, were and are of the growth and produce of East Florida, and were shipped from thence, and imported into and landed at some port in Great Britain, mentioning the time and place when and where the same were so landed.

Class relative to allow the bounties.

X. And be it further enacted, That if any person or persons shall have knowingly imported, or shall knowingly import from East Florida any turpentine, pitch, or tar, which shall not be of the growth and produce of East Florida, and shall thereupon obtain the benefit of this act, such person or persons so offending shall be liable to all the penalties of wilful and corrupt perjury, and be prosecuted by his Majesty's attorney general for the same.

Penalty on obtaining the bounty for turpentine, etc. not the produce of East Florida.

Recital of 24 Geo. 3. 49.

XI. And whereas by an act, made in the last session of parliament, intitled, An act for granting additional duties upon raw and thrown silk imported into Great Britain, and upon lead exported from Great Britain, into parts beyond the seas; and for allowing a drawback upon the exportation of silks, and stuffs mixed with silk; it is enacted, That, over and above the former bounties allowed

allowed on the exportation of the ſeveral articles therein ſpecified, amongſt ſeveral other articles therein enumerated, there ſhall be allowed and paid to the exporter thereof, for all ribbons and ſtuſſs of ſilk, except gauzes, made in Great Britain, the ſum of two ſhillings for every pound weight avoirdupois: and whereas it is expedient, to encourage the ſilk manufactures in this kingdom, that a bounty ſhould be allowed upon the exportation of ſilk gauzes into foreign parts; be it therefore enacted, That, from and after the firſt day of Au-

From Aug. 1, 1785, a bounty to be allowed upon the exportation of ſilk gauzes;

XII. And it is hereby further enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, the duty impoſed upon raw ſilk, by an act made in the laſt ſeſſion of parliament, intituled, *An act for granting additional duties upon raw and thrown ſilk imported into Great Britain, and upon lead exported from Great Britain into parts beyond the ſea; and for allowing a drawback upon the exportation of ſilks, and ſtuſſs mixed with ſilk*, ſhall be drawn back and repaid upon the exportation of ſuch raw ſilk to any part of *Europe* (except the *Iſle of Man*, and the iſlands of *Faro* or *Ferro*) under ſuch rules, ways, and methods, as the duty of cuſtoms upon foreign goods is allowed to be drawn back and repaid upon exportation, except where any alteration is made by this act.

and a drawback upon the exportation of raw ſilk.

XIII. Provided always, and it is hereby further enacted by the authority aforeſaid, That the ſaid drawback ſhall not be paid, in any caſe, until a certificate ſhall be produced, to the collector and comptroller of the cuſtoms at the port from whence ſuch ſilk was exported, under the hand and official ſeal of a *British* conſul reſident at the port or place for which ſuch ſilk was entered for exportation, certifying that ſuch ſilk was landed there; and in caſe there ſhall not be any *British* conſul reſident at ſuch place, then upon the like certificate, under the hand and official ſeal of the chief magiſtrate for and reſident at ſuch place.

The drawback not to be allowed until a proper certificate be produced to the officer.

C A P. LXX.

An act to rectify a miſtake in an act, paſſed in this preſent ſeſſion of parliament, intituled, An act to repeal the duties on male ſervants; and for granting new duties on male and female ſervants.

WHEREAS by an act, made in this preſent ſeſſion of parliament, intituled, An act to repeal the duties on male ſervants; and for granting new duties on male and female ſervants, it is enacted, That every perſon who ſhall have living in their

Preamble.
Recital of c. 43. of this ſeſſion.

houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person having two such lawful children or grand children shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person having four such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty, in the manner therein-before provided, for every two such children or grand children: and whereas it was intended that all persons should be exempted from the payment of the duties by the said act imposed, in respect of one female servant, and no more, for every two lawful children or grand children, living in their houses, under the age of fourteen years; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person, who shall have living in their houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person, having two such lawful children or grand children, shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person, having two such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner in the said recited act provided, for every two such children or grand children.

Persons having children or grand children, to be exempted payment for one female servant for every two such children, etc.

C A P. LXXI.

An act for extending the time limited, by an act of this session, for delivering in navy, victualling, and transport bills.

Recital of c. 32. of this session. Navy bills, &c. to be taken in until Aug. 31, 1785.

C A P. LXXII.

An act for repealing the duties on linens to be printed, painted, stained, or dyed in Great Britain, imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, woven in Great Britain, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts.

WHEREAS

WHEREAS by an act made in the last session of parliament, Preamble.
intituled, An act for granting to his Majesty additional 24 Geo. 3. c.
duties on linens, printed, painted, stained, or dyed in Great 40.
Britain; and for granting certain duties on cotton stuffs bleached or dyed in Great Britain; and on licences for bleaching or dying the same; and upon the importation of stuffs made of, or mixed with cotton, not printed, painted, stained, or dyed in foreign parts), among other things, a duty of three farthings for every yard in length, reckoning yard wide, and after that rate for a greater or lesser quantity, was laid upon all linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in Great Britain, (such linens as should be dyed throughout of one colour only always excepted), which said duty was subject to three additional imposts of sevenpounds per centum each, as in the said act is mentioned; and certain other duties were by the said act granted, which, having been found inconvenient, have been repealed by an act of this present session of parliament, whereby it is become necessary to provide a sufficient fund for the payment of such incumbrances as were by the said act of the last session of parliament charged on those duties: therefore, we, your Majesty's most loyal and dutiful subjects, the commons of Great Britain in parliament assembled, think it will be for the advantage of the publick to repeal the herein-before mentioned duties upon linens, wholly made of hemp or flax, to be printed, painted, stained, or dyed in Great Britain, and in lieu thereof, and of the said duties repealed by the said act of this present session of parliament, to grant unto your Majesty the several duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, Former duties repealed.
one thousand seven hundred and eighty-five, the said duties upon linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in Great Britain, by the said act granted, shall cease and determine, and be no longer paid or payable.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of August, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in Great Britain, British muslins, and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in Great Britain, and foreign muslins, which, at any time or times after the first day of August, one thousand seven hundred and eighty-five, shall be printed, stained, painted, or dyed in Great Britain, (except such calicoes, linens, and fustians, as shall be dyed throughout of one colour only, and except such stuffs whereof the greater part in value shall be woollen), the additional

From Aug. 1, 1785, the following duties to be paid for all linens, mixed stuffs, cotton stuffs, foreign muslins, etc. which shall be printed, etc. in Great Britain: (Exception.)

additional rates and duties herein-after expressed, over and above all other duties payable for the same; that is to say,

For all linsens printed, etc. (except those dyed throughout of one colour) of greater value than 16d. and not more than 2s. 6d. per yard, — 1d. 2q. per yard: for all such linsens as aforesaid, worth more than 2s. 6d. per yard, — 3d. per yard:

For and upon all linsens to be printed, stained, painted, or dyed, (except such linsens as shall be dyed throughout, or one colour only), which shall be of greater value than sixteen-pence, and not of greater value than two shillings and sixpence by the yard in length, at the ready money price, either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of one penny halfpenny for every yard square, and after that rate for a greater or lesser quantity:

For and upon all linsens to be printed, stained, painted, or dyed, (except as before excepted), which shall be of greater value than two shillings and sixpence by the yard in length, at the ready money price, either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of three-pence for every yard square, and after that rate for a greater or lesser quantity:

for all mixed or cotton stuffs, valued at more than 20d. and not more than 3s. per yard, — 3d. per yard:

For and upon all stuffs made of cotton and other materials mixed, and stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, to be printed, stained, painted, or dyed, (except as before excepted), which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, at the ready money price, at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of two-pence by the yard square, and after that rate for a greater or lesser quantity:

for all mixed or cotton stuffs, worth more than 3s. per yard, — 4d. per yard:

For and upon all stuffs made of cotton and other materials mixed, and stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, to be printed, stained, painted, or dyed, (except as before excepted), which shall be of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of four-pence by the yard square, and after that rate for a greater or lesser quantity:

for all British muslins, worth more than 20d. and not more than 3s. — 2d. per yard:

For and upon all muslins made in *Great Britain*, to be printed, stained, painted, or dyed, (except as before excepted), which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of two-pence for every yard square, and after that rate for a greater or lesser quantity:

for all British muslins, worth more

For and upon all muslins made in *Great Britain*, to be printed, stained, painted, or dyed, (except as before excepted), which shall

shall be of greater value than three shillings by the yard square, than 3s. per at the ready money price, either at *London*, or at the nearest yard, — 4d. market town to the place where the same were manufactured, per yard: before they are printed, stained, painted, or dyed, the sum of four-pence by the yard square, and after that rate for a greater or lesser quantity :

For and upon all fustians, velvets, velverets, dimities, and for all fustians, velvets, other figured stuffs made of cotton and other materials mixed, etc. wove in *Great Britain*, to be printed, stained, painted, or dyed, (except as before excepted), the sum of three halfpence by the yard square, whatever the price of the same may be, and in that proportion for a greater or lesser quantity :

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of four-pence for every yard square, and after that rate for a greater or lesser quantity :

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of eight-pence by the yard square, and after that rate for a greater or lesser quantity.

III. And be it further enacted by the authority aforesaid, That the said several duties herein-before mentioned shall be subject and liable to the additional duties or imposts of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum* on the produce and amount thereof respectively, in the same manner, and under the same regulations, as the additional duties of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum*, are granted to his Majesty by three several acts of parliament, made in the nineteenth, twenty-first, and twenty-second years of his present Majesty's reign.

IV. And be it further enacted by the authority aforesaid, That the said duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or upon foreign muslins printed, stained, painted, or dyed, in *Great Britain*, shall, from time

For all foreign muslins to be printed, etc. worth more than 20d. and not more than 3s. per yard, — 4d. per yard:

for all such foreign muslins of greater value than 3s. per yard, — 8d. per yard.

New duties to be subject to the additional imposts of 5 per cent. on the amount thereof, granted by 19 Geo. 3. c. 25; 21 Geo. 3. c. 17.; and 22 Geo. 3. c. 66.

Duties on linens, etc. to be collected and recovered in the same manner as those imposed by

10 Annæ, c.
19;

11 Annæ, c.
9;

and 14 Geo.
3. c. 72, etc.

On or before
Aug. 1, 1785.
Stamps to be
distributed by
the commis-
sioners for
managing the
duties on li-
nens, etc.

Provisions of
former acts
for raising the
duties hereby
charged, ex-
tended to this
act.

time to time, be raised, levied, ascertained, secured, collected, answered, and paid, by such ways and means, and under such management, and under such penalties and forfeitures, and with the like discounts, allowances, exemptions, and drawbacks, and in such manner and form (except as herein-after is otherwise excepted), as the duties imposed upon silks, calicoes, linens, and stuffs, printed, stained, painted, or dyed, by an act made in the tenth year of the reign of Queen Anne, *for laying several duties upon sice, paper, chequered and figured linens, and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained,* (amongst other things thereby charged), towards raising the sum of one million eight hundred thousand pounds, therein mentioned; or by another act, made in the twelfth year of the reign of Queen Anne, *for laying additional duties on sice and paper, and upon certain linens, silks, calicoes, and stuffs,* (amongst other things thereby charged), towards raising the sum of one million four hundred thousand pounds, therein mentioned; or by another act of parliament, made in the fourteenth year of the reign of his present Majesty, *for ascertaining the duty on printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in Great Britain, and for allowing the use and wear thereof, under certain regulations;* or by any other act or acts of parliament now in force, relating to the said duties, or any of them, are to be raised, levied, ascertained, secured, collected, answered, and paid, save and except in such cases where it is otherwise provided for by this act.

V. And, for the better securing the said duties by this act granted, be it further enacted by the authority aforesaid, That such proper stamps or seals shall, on or before the first day of August, one thousand seven hundred and eighty-five, be provided and distributed by the commissioners for managing the several duties by the said former acts, and by this act, chargeable on the commodities aforesaid, as may serve to denote the payment or charging of the several duties by this act, and the said former acts, chargeable on the same commodities respectively; and that the said stamps or seals, by this act directed to be provided, shall be used and applied accordingly, and shall and may, from time to time, be renewed or altered, by the said commissioners as often as they shall see fit to alter the same.

VI. And be it further enacted by the authority aforesaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauses, matters, and things whatsoever, contained in the said several acts of the tenth and twelfth years of the reign of Queen Anne, and the fourteenth year of the reign of his present Majesty, for raising, ascertaining, receiving, levying, recovering, securing, and paying, the duties on such commodities as are by this act charged with additional duties, touching the stamps thereby or hereby directed, shall be continued, practised, and put in execution, for raising, ascertaining, receiving, levying, recovering, securing, and paying the additional duties by this act charged upon the same commodities, and

and all arrearages thereof, as fully and effectually, to all intents and purposes, as if they were at large repeated in this present act.

VII. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall, after the first day of *August*, one thousand seven hundred and eighty-five, print, stain, paint, or dye any such linens, or stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins or fustians, velvets or velverets, dimities, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, and foreign muslins, without giving or leaving at the next office of excise for the said duties, such notice in writing as by the said act, in the tenth year of the reign of *Queen Anne*, is required, he, she, or they shall, for every neglect by not giving such notice, forfeit the sum of fifty pounds.

Penalty on persons ob-
structing
officers in the
execution of
their duty.

VIII. And be it further enacted, That if any person or persons, who shall print, stain, paint, or dye, any such commodities aforesaid, shall obstruct or hinder any officer for the said duties in the execution of the powers given by this act for ascertaining and securing the said duties, the offender therein, for every such offence, shall forfeit the sum of two hundred pounds.

Penalty on
persons ob-
structing
officers in the
execution of
their duty.

IX. And be it further enacted by the authority aforesaid, That if any printer, stainer, painter, or dyer of any such commodities aforesaid, chargeable by this act, shall begin to print, stain, paint, or dye the same, before the same shall have been measured and marked at both ends thereof by the officer of excise, with a frame mark, denoting the measure thereof, then, and in every such case, the said commodities so printed, stained, painted, or dyed, before being so measured and marked by the officer, shall be forfeited, and the printer, stainer, painter, or dyer, in whose possession the same shall be found, shall forfeit twenty pounds for every piece.

Penalty on
printing, etc.
before the
commodity
has been mea-
sured and
marked by
excise officer.

X. And be it further enacted by the authority aforesaid, That no person or persons, who shall print, stain, paint, or dye, any of the commodities aforesaid, chargeable with the said duties by this act, shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any of the commodities aforesaid chargeable by this act, by him, her, or them, printed, stained, painted, or dyed, until such time as the proper officer shall have taken an account of any particular quantity of such commodities aforesaid, so to be carried away, and until every particular piece or parcel, or remnant, of the same respectively, be duly marked at both ends thereof with a stamp or seal, or stamps or seals, denoting the charging the duty as this act directs, on pain of forfeiting the sum of fifty pounds for every such offence; and that all such commodities aforesaid, so carried away, without being marked with a stamp or seal, or stamps or seals, denoting the charging the said duties, and being found in the possession of any draper, or other trader or dealer therein, or draper, etc.

Penalty on re-
moving com-
modities be-
fore they are
stamped by
proper officer.

Such commo-
dities forfeit-
ed, if found
in the posses-
sion of any
draper, etc.

or of any person for the use of such draper, trader, or dealer, for sale, shall be forfeited, and may be seized by any officer of excise.

Penalty on
defacing the
frame mark.

XI. And be it further enacted by the authority aforesaid, That in case any printer, stainer, painter, or dyer of such commodities aforesaid, shall wilfully cut out, obliterate, or deface, or wilfully suffer to be cut out, obliterated, or defaced, the frame mark put by the officer on any piece of such commodities aforesaid, to denote the meal use thereof, every such printer, stainer, painter, or dyer, shall forfeit the sum of fifty pounds for every piece on which the said frame mark shall be so wilfully cut out, obliterated or defaced.

Commodities
not surveyed
to be kept
separate from
those surveyed.
ed.

XII. And be it further enacted, That every printer, stainer, painter, and dyer, of such commodities aforesaid, shall, from time to time, keep so much of the same commodities as shall not have been surveyed and taken an account of by the proper officers, separate and apart from all others of the same kind which shall have been surveyed and taken an account of by such officers, on pain to forfeit, for every such offence, the sum of ten pounds.

Penalty on
concealing
commodities
with intent to
evade the
duties.

XIII. And be it enacted by the authority aforesaid, That if any printer, stainer, painter, or dyer, shall knowingly hide or conceal, or cause to be hid or concealed, any such commodities aforesaid, before or after the same are printed, stained, painted, or dyed, with intent to deceive his Majesty of his just duties by this act granted, then, and in every such case, the party so offending shall forfeit the sum of fifty pounds for every such offence, in all such commodities aforesaid, which shall be found in any private warehouse or other place, whereof no notice shall have been given to the officer of excise, as by the said act, made in the tenth year of the reign of Queen Anne, is required, shall be forfeited, and may be seized by any officer of excise.

Penalty on
keeping com-
modities in
any place
whereof no
notice shall
have been
given to the
officer.

XIV. And be it further enacted by the authority aforesaid, That no printer, stainer, painter, or dyer, shall keep any such commodities aforesaid, marked with a stamp or seal, or stamps or seals, denoting the charging the duties thereon, or unmarked, in any warehouse, room, or place, whereof no notice shall have been given to the officer of excise, as by the said act, made in the tenth year of the reign of Queen Anne, is required, and if any such commodities aforesaid, stamped or unstamped, shall be found in the possession of any printer, stainer, painter, or dyer, in any warehouse, room, or place, whereof no notice shall have been given to the officer of excise as aforesaid then, and in every such case, the party so offending shall forfeit the sum of fifty pounds for every such offence, and all the commodities aforesaid, so found shall be forfeited, and may be seized by any officer of excise.

Utensils liable
to duties in
arrear, and
penalties and
forfeitures.

XV. And be it further enacted by the authority aforesaid, That all the utensils and instruments for the printing, staining, painting, or dyeing of any such commodities aforesaid, in custody of any such printer, stainer, painter, or dyer, as aforesaid, or of any

any person or persons to the use of, or in trust for them, or any of them, shall be liable to, and are hereby made chargeable with, all the debts and duties in arrear and owing by such printer, stainer, painter, or dyer, for any such commodities aforesaid, printed, stained, painted, or dyed by him or them, or in his or their workhouse or places aforesaid; and shall be also subject to all penalties and forfeitures incurred by such person or persons so using such workhouse or other place, for any offence against this act relating to the duties on such commodities aforesaid, so printed, stained, painted, or dyed; and it shall and may be lawful, in all such cases, to levy debts and penalties, and use such proceedings, as may lawfully be done by this act, in relation to such commodities, in case the debtor or offender were the true and lawful owner of the same.

XVI. *And, for the better ascertaining, charging, collecting, levying, raising, and securing the several duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in Great Britain, British muslins and fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in Great Britain, and upon foreign muslins, printed, stained, painted, or dyed in Great Britain, and for preventing frauds concerning the same; be it further enacted by the authority aforesaid, That such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in England and Wales, or Berwick upon Tweed, shall be under the management of the commissioners and officers of excise in England for the time being; and such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in Scotland, shall be under the management of the commissioners and officers of excise in Scotland for the time being.*

Duties to be under the management of the commissioners of excise.

XVII. *And be it further enacted by the authority aforesaid, That the respective commissioners of excise shall, on or before the first day of August, one thousand seven hundred and eighty-five, provide proper frames to denote the measure of such commodities aforesaid, and proper stamps or seals to denote the charging the duties thereon, and shall cause the said respective frames, stamps, and seals, to be distributed to the respective officers for the several purposes before mentioned; which officers are hereby enjoined and required, in using the same, to do no hurt or damage, or the least damage that may be to the commodities to be so marked or stamped; and the said stamps, or any of them, may be altered or renewed from time to time as the said respective commissioners shall from time to time think fit; and if any person or persons whatsoever shall, at any time or times hereafter, counterfeit or forge any stamp or seal to resemble any stamp or seal which shall be provided, in pursuance of this act, to denote the charging the duties on the said linens, stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in Great Britain, British muslins and fustians, velvets, velverets, dimities, and other figured stuffs,*

On or before Aug. 1, 1785, commissioners to provide frame marks to denote the measure, and stamps to denote the duties.

Persons fraudulently counterfeiting stamps,

to suffer death as felons.

Penalty on persons selling commodities with a counterfeit stamp.

made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, or foreign muslins, printed, stained, painted, or dyed in *Great Britain*, or shall counterfeit or resemble the impression of the same upon any of the said goods chargeable by this act, thereby to defraud his Majesty, his heirs or successors, of the said duty hereby granted; then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: and if any person or persons shall, at any time or times hereafter, sell any such commodities aforesaid with a counterfeit stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his heirs and successors, all and every such offender and offenders, their aiders, abettors, and assistants, being duly convicted as aforesaid, shall, for every such offence, forfeit and lose the sum of one hundred pounds, and shall be adjudged to stand in the pillory in some publick place for the space of two hours.

If stuffs are suspected to be in the custody of a draper, &c. unstamped, the commissioners, &c. may issue their warrants to search for the same, and if found, are forfeited.

XVIII. And be it further enacted by the authority aforesaid, That at any time or times, upon oath made by any credible person or persons, that he, she, or they have reason to suspect or believe that any such linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, or *British* muslins, or fustians, velvets, velverets, dimitics, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, foreign muslins called *Cassues*, or other foreign muslins, printed, stained, painted, or dyed in *Great Britain*, for which a duty ought to have been paid or charged by this act, or which ought to have been stamped as by this act is directed, are or shall be in the custody or possession of any draper, or other person or persons trading or dealing therein, or of any person or persons for the use or account of such draper, or other trader or dealer, for sale, without having thereupon such stamps or seals as are by this act required to denote the payment or charging the said duties thereupon; it shall and may be lawful for the respective commissioners of excise, or any two of them, within their respective limits, or for any two justices of the peace in any other parts in *Great Britain*, from time to time to issue their respective warrants or orders, thereby authorizing and requiring any officer or officers of excise, with the assistance of a constable, or other officer of the peace, in the day-time, to search for the same, and to open doors, chests, trunks, and packages, and to seize such linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, or *British* muslins, or fustians, velvets, velverets, dimitics, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, or foreign muslins; called *Cassues*, or other foreign muslins, printed, stained, painted, or dyed in *Great Britain*, and to bring them

them to the excise office next to the place where they shall be seized, and that every such warrant shall be obeyed and executed accordingly; and such commodities aforesaid, to found untampered in the possession of such draper, trader, or dealer, for sale, or other person for the use of such draper, trader, or dealer, for sale, shall be forfeited.

XIX. And be it further enacted by the authority aforesaid, That all stuffs wholly made of cotton wool, commonly called or known by the name of *Calicoes*, that have not three blue threads in each selvage, as directed by an act made in the fourteenth year of his present Majesty's reign, (intituled, *An act for ascertaining the duty on printed, painted, stained, or dyed stuffs, wholly made of cotton, and manufactured in Great Britain, and for allowing the use and wear thereof, under certain regulations*;) shall be deemed to be foreign calicoes, and on their being printed, stained, painted, or dyed in *Great Britain*, shall be stamped, marked, or sealed at both the ends of each piece or remnant, with a stamp, mark, or seal, containing the following words; *videlicet, Foreign Calicoes for Exportation*; and every draper, trader, or dealer for sale, having in his, her, or their custody or possession any such foreign calicoes, printed, stained, painted, or dyed, (except dyed throughout of one colour only,) and not being stamped or sealed at both ends of each piece, as directed by this act, (except such as have been printed, stained, painted, or dyed, before the commencement of this act, and have been stamped or sealed at one end thereof;) or having in his, her, or their custody or possession, any piece of stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, (muslins, neckcloths, and fustians excepted,) not having the blue threads in the selvages, as required by the said act of the fourteenth year of his present Majesty's reign, shall not only forfeit and lose the said goods, or the value thereof, but shall likewise forfeit and lose the sum of two hundred pounds for every piece of such goods found in his custody or possession as aforesaid.

XX. And be it further enacted, That the owner or printer of any piece, or remnant of a piece, of any coarse, or foreign muslins, and foreign calicoes, shall, before the same are presented to the officer appointed to take an account thereof, mark the same at both ends with a frame or mark, containing in words at length his name and place of abode, and also the name of the goods which they are commonly called or known by, on pain to forfeit the said goods, and the sum of ten pounds for every piece or remnant of such goods that shall be printed, stained, painted, or dyed, (except those that are dyed throughout of one colour only,) without being so marked.

XXI. And be it further enacted, That the owner or printer of any piece or remnant of linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or muslins plain, chequered, striped, figured, or ornamented,

Cotton stuffs not having three blue threads in each selvage, to be deemed foreign calicoes.

14 Geo. 3. c. 72.

How such stuffs are to be stamped. Penalty on drapers, etc. having in their possession such foreign calicoes unstamped, etc.

or stuffs called British Manufactory, without the blue threads in the selvages.

Every piece of stuff to be marked before printed, etc.

Penalty on neglect.

Name and place of abode of the owner, and name and quality of the goods, to be

marked on
ſtuſſs liable to
the duty of
2d 2q. per
yard;

and the ready
money price
to be marked
on goods call-
ed *British Ma-
nufactury*, be-
fore preſented
to the exciſe
officer.

Owner to de-
liver to the
printer, etc.
with the
ſtuſſs, etc. an
account of
the number,
quality, and
value of the
pieces deliver-
ed, which is
to be given to
the exciſe of-
ficer before
printing, etc.
Penalty on
neglect of the
above men-
tioned regula-
tions.

mented, that ſhall be wove in *Great Britain*, except fuſſians, velvets, velverets, dimitics, and other figured ſtuſſs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, which are by this act made ſubject to a duty of one penny halfpenny per yard ſquare, ſhall mark the ſame at both ends of every piece or remnant, with a frame or mark, containing in words at length his or her name and place of abode, the name and quality of the goods, and the linen and ſtuſſs made of cotton and other materials mixed, and ſtuſſs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, with the ready money price or value thereof; (that is to ſay,) if linens, whether the price is more than ſixteen-pence. or more than two ſhillings and ſixpence by the yard in length, or if ſtuſſs made of cotton and other materials mixed, or ſtuſſs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or *British* mul-
lins, whether the ready money price or value thereof be more than twenty-pence, and not more than three ſhillings, by the yard ſquare, or whether the ready money price or value thereof be more than three ſhillings by the yard ſquare before the ſame ſhall be preſented to the officer appointed to take an account thereof, to be printed, ſtained, painted, or dyed; and in caſe the owner is not the printer, ſtainer, painter, or dyer, then he ſhall deliver a note in writing with the ſaid linens or ſtuſſs to the printer, ſtainer, painter, or dyer, expreſſing the number of pieces, their quality and value as aforeſaid, and the time when delivered to the printer, ſtainer, painter, or dyer; which note the ſaid printer, ſtainer, painter, or dyer, ſhall deliver to the officer who is to take an account of the ſaid linens and ſtuſſs, before the ſame ſhall be printed, ſtained, painted, or dyed, (except thoſe that are to be dyed throughout of one colour only,) on pain that every piece or remnant of ſuch linens or ſtuſſs, not ſo marked as aforeſaid, ſhall be forfeited, and may be ſeized by any officer of exciſe, and the owner, or other perſon putting out or ſending ſuch piece not ſo marked, ſhall forfeit and loſe the ſum of twenty pounds; and that every printer, ſtainer, painter, or dyer, being the owner, who ſhall print, ſtain, paint, or dye, any of the ſaid linens or ſtuſſs, (except ſuch as ſhall be dyed throughout of one colour only,) ſhall, before he begins to print, ſtain, paint, or dye the ſame, mark each piece, or remnant of a piece, at both ends thereof, with a frame or mark, containing in words at length his or her name and place of abode, and alſo the name of the goods which they are commonly called and known by, with the ready money price or value thereof; (that is to ſay,) if linens, whether the price is more than ſixteen-pence, or more than two ſhillings and ſixpence by the yard in length, or if ſtuſſs made of cotton and other materials mixed, or ſtuſſs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or *British* mul-
lins, whether the ready money price or value thereof be
more

more than twenty-pence, and not more than three ſhillings, by the yard ſquare, or whether the ready money price or value thereof be more than three ſhillings by the yard ſquare, before he begins to print, ſtain, paint, or dye the ſame, (except thoſe that are dyed throughout of one colour only,) on pain to forfeit the ſum of twenty pounds for every neglect, and alſo the ſaid linens and ſtuffs not ſo marked as aforeſaid ſhall be forfeited, and may be ſeized by any officer of exciſe; and in caſe ſuch owner, or other perſon ſo putting out or ſending any ſuch linens or ſtuffs to be printed, ſtained, painted, or dyed, as aforeſaid, or any ſuch printer, ſtainer, painter, or dyer, ſhall mark any piece or remnant of ſuch linens or ſtuffs at a price leſs than the real value, or ready money price, as herein-before directed, every ſuch piece or remnant ſhall be forfeited, and may be ſeized by any officer of exciſe, and the owner thereof ſhall forfeit the ſum of twenty pounds for every ſuch offence.

Penalty on marking ſtuffs at a price leſs than the real value.

XXII. *And whereas it may happen in the printing, ſtaining, painting, or dyeing the commodities aforeſaid, that the frame-marks, jet thereupon by the officer of exciſe to denote the meaſure thereof, may unavoidably become obliterated or deſaced,* be it enacted by the authority aforeſaid, That when the ſaid frame-marks ſhall become obliterated or deſaced, the printer, ſtainer, painter, or dyer, who ſhall print, ſtain, paint, or dye the ſaid commodities, ſhall give notice thereof to the officer of exciſe, under whoſe ſurvey he is, and require the ſaid officer to renew the ſaid frame mark, who ſhall renew the ſame accordingly.

Frame marks unavoidably deſaced may be renewed upon notice being given to the exciſe officer.

XXIII. And be it further enacted by the authority aforeſaid, That if any perſon whatſoever ſhall, at any time or times hereafter, counterfeit or forge any frame-mark, to denote the meaſure of any ſuch commodities, directed to be marked by this act, with intent to deſraud his Maſteſty, his heirs or ſucceſſors, of the duties to be charged thereon, every perſon ſo offending ſhall, for every ſuch offence, forfeit and loſe the ſum of one hundred pounds.

Penalty on counterfeiting the frame-mark.

XXIV. And be it further enacted by the authority aforeſaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauſes, matters, and things in this act contained, ſhall extend to all ſilks, calicoes, linens, and ſtuffs, of what kind ſoever, or ſtuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufacture*, printed, ſtained, painted, or dyed in *Great Britain*, and ſhall be practiſed and put in execution for raiſing, aſcertaining, receiving, levying, recovering, ſecuring, and paying the duties impoſed upon all ſilks, calicoes, linens, and ſtuffs of what kind ſoever, or ſtuffs wholly made of cotton, printed, ſtained, painted, or dyed in *Great Britain*, by the ſaid acts made in the tenth and twelfth years of the reign of *Queen Anne*, and in the fourteenth year of the reign of his preſent Maſteſty, or by any of them.

Proviſions of this act ſhall extend to the duties impoſed upon ſilks, etc. by 10 Anne, c. 19. 12 Anne, c. 9. and 14 Geo. 3. c. 72.

XXV. *And whereas the duties impoſed by the ſaid act, made in*

the laſt ſeſſion of parliament, upon ſtuſſs made of cotton and linen mixed, and ſtuſſs wholly made of cotton wool, wove in Great Britain, and bleached or dyed in Great Britain, have been paid for divers quantities of ſuch ſtuſſs which may hereafter be printed, ſtained, painted, or dyed in Great Britain, and thereby become chargeable with the duties by this act impoſed upon ſuch ſtuſſs to be printed, ſtained, painted, or dyed in Great Britain, and it is reaſonable that, upon payment of the duties by this act impoſed upon ſuch ſtuſſs, when printed, ſtained, painted, or dyed, an allowance ſhould be made for the duties before paid in purſuance of the ſaid act, made in the laſt ſeſſion of parliament, for the ſame ſtuſſs when bleached or dyed; be

therefore enacted by the authority aforeſaid, That it ſhall be lawful for any printer, ſtainer, painter, or dyer of ſuch ſtuſſs, as aforeſaid, who, after the ſiſt day of Auguſt, one thouſand ſeven hundred and eighty-five, ſhall print, ſtain, paint, or dye any of the ſaid ſtuſſs, made of cotton and linen mixed, or ſtuſſs wholly made of cotton wool, wove in Great Britain, that ſhall have been charged with the duties impoſed by the ſaid act, on their being bleached, and ſhall have the mark or ſeal thereon, denoting the ſaid duties to have been charged, and alſo the frame marks thereon, or for the owner of the ſame ſtuſſs, when the duties by this act granted ſhall be charged upon the ſame ſtuſſs, on their being printed, ſtained, painted, or dyed, to make application to any two or more commiſſioners of exciſe in England or Scotland reſpectively, if ſuch ſtuſſs, or ſtuſſs made of cotton as aforeſaid, ſhall be printed, ſtained, painted, or dyed within the limits of the chief office of exciſe in London or Edinburgh reſpectively, or in other places in Great Britain, to any two or more juſtices of the peace within whoſe juriſdiction ſuch ſtuſſs, or ſtuſſs made of cotton as aforeſaid, ſhall be printed, ſtained, painted or dyed, for a drawback or allowance of the duties before paid upon the bleaching the ſame ſtuſſs reſpectively, upon the terms, and in the manner herein-after mentioned; that is to ſay, ſuch printer, ſtainer, painter, or dyer, or ſuch owner, after having given twelve hours notice, in writing, to the officer appointed by the commiſſioners for that purpoſe, ſhall produce to the ſaid officer every piece of ſuch ſtuſſs, or ſtuſſs made of cotton as aforeſaid, and ſhew to ſuch officer the ſtamps or ſeals, denoting the charging the duties upon the bleaching thereof, at both ends thereof, and alſo the frame-marks at both ends thereof; and the ſaid officer ſhall take off the ſame ſeals or ſtamps, and the frame-marks, from both ends of every ſuch piece, and thereupon ſuch officer ſhall give the ſaid printer, ſtainer, painter, or dyer, or ſuch owner, a certificate, without fee or reward, or other charge; except ſuch ſtamp duties as may be required by law, expreſſing the quantities and kinds of ſuch ſtuſſs, or ſtuſſs made of cotton as aforeſaid, and that the ſtamps or ſeals, denoting the ſaid duties to have been charged, and the frame-marks, were upon ſuch pieces when the ſame were produced to him, and that

A drawback of the duties paid under the act of laſt ſeſſion on goods chargeable with new duties, to be obtained upon application in the manner here-in preſcribed.

that he had taken off ſuch ſtamps or ſeals, and frame-marks, and that the duties by this act chargeable had been charged upon the ſame.

XXVI. Provided always, That every ſuch printer, ſtainer, painter, or dyer, or ſuch owner as aforeſaid, who ſhall apply for an allowance of the ſaid duties paid upon the bleaching the ſaid ſtuſſs, or ſtuſſs made of cotton as aforeſaid, ſhall give notice, in writing, of his intention to apply for the ſame, unto the collector or ſuperviſor of exciſe of the diſtrict within which ſuch application ſhall be made, fourteen days before ſuch application, to the commiſſioners of exciſe, or juſtices of the peace reſpectively, in order that ſuch collector or ſuperviſor may attend, if he thinks fit, to ſhew unto the commiſſioners or juſtices reſpectively any reaſon againſt the making ſuch allowances; and ſuch printer, ſtainer, painter, or dyer, or his chief workman, or ſuch owner as aforeſaid, ſhall make oath (or, being a Quaker, affirmation) before the commiſſioners or juſtices reſpectively, that he verily believes that the ſaid duties upon bleaching ſuch ſtuſſs, or ſtuſſs made of cotton as aforeſaid, have been paid, and that the duties by this act impoſed upon the printing, ſtaining, painting, or dyeing the ſame ſtuſſs, or ſtuſſs made of cotton reſpectively, have been charged thereupon, and that ſuch notice as aforeſaid had been given to the ſaid officer to take off the ſtamps or ſeals, and frame-marks, and alſo ſuch notice as aforeſaid given to the collector or ſuperviſor of the application being intended to be made; which oath or affirmation ſuch commiſſioners or juſtices are hereby authorized and required to adminiſter; and thereupon it ſhall be lawful for the ſaid two or more commiſſioners of exciſe, or two or more juſtices reſpectively, being ſatisfied of the truth thereof, and no ſufficient reaſon being ſhewn to them to the contrary, upon ſuch certificate as aforeſaid, from the officer appointed to examine the ſaid goods, being produced to them, to order the collector of the duties by this act granted, to pay out of the money in his hands ariſing by the ſaid duties, unto ſuch printer, ſtainer, painter, or dyer, or ſuch owner, ſo much money as the duties paid upon the bleaching the ſame ſtuſſ, or ſtuſſs made of cotton as aforeſaid, amount unto; and if the ſaid collector ſhall not have money ſufficient in his hands to pay the ſame, the commiſſioners ſhall cauſe the ſame to be paid out of any monies ariſing by the ſaid duties by this act granted.

XXVII. And be it further enacted by the authority aforeſaid, That it ſhall be lawful for any perſon or perſons who ſhall have paid all his Majeſty's duties by this or any former act payable for any ſuch linens, or ſtuſſs made of cotton mixed with other materials, or ſtuſſs wholly made of cotton wool, wove in Great Britain, Briſh muſlins, and ſuſtians, velvets, velverets, dimities, and other figured ſtuſſs made of cotton and other materials mixed, or made of cotton wool, wove in Great Britain, or foreign calicoes, or foreign muſlins, or coſſaes, printed, ſtained, painted, or dyed in Great Britain, or for any perſon or

Persons applying for an allowance of duties paid under former act, to give previous notice to the collector or supervisor of excise.

Oath to be made of the duties having been paid, etc.

Commissioners, etc. authorized to administer the oath,

and to order repayment of the duties

Persons who have paid or have bought of those who have paid, the duties, may export linens, etc. to foreign parts.

Terms of ex-
portation.

perſons who ſhall buy or be lawfully intitled to any ſuch commodities aforeſaid, printed, ſtained, painted, or dyed in *Great Britain*, from the perſon or perſons who actually paid his Ma- jeſty's ſaid duties, to export from any lawful quays, and in the lawful hours, any ſuch commodities aforeſaid, for which all the duties ſhall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to ſay, the perſon or perſons, ſo intending to export any ſuch commodities aforeſaid, ſhall give twelve hours notice in writing within the limits of the chief office of exciſe in *London*, and twenty-four hours notice in writing in other places in *Great Britain*, of his intention to pack up in order to be exported any ſuch commodities, and of the time and place when and where he will pack up the ſame, to the officer or officers of exciſe who ſhall be appointed for that purpoſe by the reſpective commiſſioners of exciſe in *Eng- land* or *Scotland*; and ſuch officer or officers ſhall take care to meaſure the ſaid goods, and to ſee that the ſeals or ſtamps, denoting the payment of the duties upon ſuch goods, and alſo the frame-marks upon the ſame, be taken off from both ends of every piece ſo intended to be exported, (except as here- in-after is excepted;) and every ſuch piece ſhall be packed up in the preſence of ſuch officer or officers, who ſhall take an account of the kinds and quantities of the commodities aforeſaid ſo intended to be exported, and make a return thereof to the officer who ſhall be appointed by ſuch commiſſioners to receive the ſame at the port of exportation, without any fee or reward for ſo doing.

No linens,
etc. to be
packed up for
exportation
but under the
limitations
herein-
ſcrib

XXVIII. Provided always, That the ſaid officer or officers ſhall not permit to be packed up in order to be exported, and ſhall not take off ſuch ſeals or ſtamps, denoting that the ſaid duties have been paid or charged, from any piece of ſuch commodities aforeſaid not having the frame-mark, denoting the meaſure thereof, diſtinct and plain at both ends thereof, and not obliterated or defaced, (except as herein-after is excepted,) which frame-mark ſhall be cut off at the ſame time as the ſtamps or ſeals denoting the payment of the duties; and the perſon or perſons, ſo intending to export ſuch goods, ſhall alſo give ſix hours notice in writing of the time and place of ſhipping ſuch goods unto the officer of exciſe of the place where the ſame ſhall be ſhipped, who ſhall attend and ſee the ſame put on ſhip board; and the exporter of the ſaid goods ſhall alſo, before the ſhipping the ſame, give ſufficient ſecurity, to be approved of by the commiſſioners of exciſe, or the perſon by them appointed for that purpoſe, in treble the value of the duty intended to be drawn back, that the particular commodities aforeſaid, ſo intended to be exported, and every part thereof, ſhall be ſhipped and exported, and ſhall not be unſhipped, un- laden, or laid on land, or put on board any other ſhip or veſ- ſel within *Great Britain*, (ſhipwreck, and other unavoidable accidents, excepted;) which ſecurity the officer of exciſe of the

and ſecurity
to be given
for then ex-
portation.

port

port where the said goods shall be exported, is hereby directed to take in his Majesty's name, and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath (or affirmation, if a Quaker) that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer;) and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture expressing the quantities and kinds of such goods so shipped, and that all the duties are paid for the same, and that security hath been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods are exported, he shall forthwith pay or allow to the persons so exporting the same, or their agents, a drawback or allowance of all the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *Great Britain* are required to pay the said drawback or allowance out of the duties upon linens or stuffs printed, stained, painted, or dyed, in *Great Britain*, arising by this or either of the said former acts.

Oath to be made that the duties have been paid, &c.

Drawback allowed on exportation.

XXIX. Provided always, That it shall be lawful for the officer attending the shipping such commodities aforesaid (if he shall think it necessary) to open or examine such goods at the port of exportation, in order that he may be satisfied that they are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Goods may be opened at the port of exportation by the proper officer.

XXX. Provided always, That if, after the shipping of any such commodities aforesaid, and the giving or tendering such security as aforesaid in order to obtain an allowance or drawback of the duties charged thereupon, the same commodities, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, (shipwreck, and other unavoidable accidents, excepted,) that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said commodities aforesaid, which shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, (except as before excepted,) or the value thereof, shall be forfeited.

Penalty on unshipping goods in *Great Britain* which have been shipped for exportation.

XXXI. Provided nevertheless, That the exporter of such commodities as aforesaid, as shall have been printed, stained, painted, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, and shall have been marked

Exporters of linens, &c. printed, &c. before Aug. 1, 1785, en-

with

intituled to drawback, though the goods are marked at one end of the piece only.

with a stamp or seal, or stamps or seals, denoting the charging the former duties thereon, at one end of each piece only, shall, upon the exportation thereof, be intituled to a drawback of the said former duties paid thereupon, upon the terms, and according to the directions herein-before mentioned, notwithstanding such commodities aforesaid are marked or stamped at one end of each piece only, such exporter making proof, to the satisfaction of the officer who shall see the said goods packed up, that the same were printed, stained, painted, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, who shall certify that such proof has been made in the account of the said goods, which he is herein-before directed to return to the officer to be appointed by the said commissioners to receive the same, at the port of exportation.

Duties to be paid into the exchequer separate from all oth

XXXII. And be it further enacted by the authority aforesaid, That all the monies arising by the duties by this act granted shall, from time to time, be paid into the receipt of his Majesty's exchequer, separate and apart from all other duties, and shall be applied to the same uses and purposes as the duties by this act, and the said other act of this present session of parliament repealed, were applicable unto.

All the powers, penalties, etc. contained in 12 Car. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

XXXIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act, made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining the duties or penalties thereby granted, and for preventing, detecting, and punishing frauds relating thereto, (other than in such cases for which other penalties or provisions are prescribed by this act,) shall be exercised, practised, applied, and put in execution in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated, and again enacted in this present act.

penalties and forfeitures to be recovered and paid.

XXXIV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, respecting the inland duties imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action

action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XXXV. And it is hereby further enacted by the authority aforesaid, That the several duties which were imposed by the hereinbefore recited act, made in the last session of parliament, upon all stuffs made of or mixed with cotton, not printed, painted, stained, or dyed in foreign parts, which should be imported or brought into this kingdom, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, cease, determine, and be no longer paid and payable; and in lieu and in stead thereof, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon the several goods herein-after enumerated, which, from and after the said first day of *August*, one thousand seven hundred and eighty-five, shall be imported or brought into this kingdom from foreign parts, over and above all customs, subsidies, and duties, already imposed thereon, the several and respective duties herein-after mentioned; that is to say,

From Aug. 1, 1785, the old duties on stuffs, etc. imported to cease, and the following to take place in lieu thereof, viz.

For and upon all linens, printed, stained, painted, or dyed, in foreign parts (except such linens as shall be dyed throughout of one colour only, and except also such linens as are prohibited to be used or worn in *Great Britain*;) which shall be of greater value than sixteen pence, and not of greater value than two shillings and sixpence the yard in length, there shall be paid the sum of one penny halfpenny by the yard square :

more than 2s. 6d. per yard,—1d. 2q.

And for and upon all such linens (except as before excepted) which shall be of greater value than two shillings and sixpence by the yard in length, there shall be paid the sum of three-pence by the yard square :

For and upon all stuffs made of cotton and other materials mixed, and all stuffs wholly made of cotton wool, printed, stained, painted, or dyed in foreign parts (except as before excepted,) which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, there shall be paid the sum of two pence by the yard square :

And for and upon all such stuffs made of cotton and other materials mixed, and stuffs wholly made of cotton wool (except as before excepted,) which shall be of greater value than three shillings by the yard square, there shall be paid the sum of four-pence by the yard square :

For and upon all muslins printed, stained, painted, or dyed in foreign parts (except as before excepted,) which shall be of greater value than twenty-pence, and not of greater value than

For all linens printed, etc. in foreign parts, (except those dyed throughout of one colour, etc.) above 16d. and not per yard :

for all such linens worth more than 2s. 6d. per yard, 3d. per yard: for all cotton or mixed stuffs, printed, etc. in foreign parts, from 20d. to 3s. 2d. per yard:

for all such stuffs, worth more than 3s. per yard, 4d. per yard:

for all muslins printed, etc. in foreign parts from 20d. to 3s. per yard, 2d. per yard:

three ſhillings by the yard ſquare, there ſhall be paid the ſum of two-pence by the yard ſquare :

for all ſuch muſlins worth more than 3s. per yard, 4d. per yard :
for all fuſtains, etc. printed, etc. in foreign parts, 1d. 2q. per yard.

And for and upon all ſuch muſlins (except as before excepted,) which ſhall be of greater value than three ſhillings by the yard ſquare, there ſhall be paid the ſum of four pence by the yard ſquare :

Duties liable to the additional impoſts of 5l. per cent. on the amount thereof, as granted by 19 Geo. 3 c. 25, and 22 Geo. 3. c. 66

And for and upon all fuſtians, velvets, veverets, damities, and other figured ſtuſſs, made of cotton and other materials mixed, or made wholly of cotton wool, printed, ſtained, painted, or dyed in foreign parts, (except as before excepted,) there ſhall be paid the ſum of one penny halfpenny by the yard ſquare, and in the like proportion for any greater or leſs quantity of ſuch goods reſpectively : and the ſaid duties ſhall alſo be ſubject and liable to the additional duties or impoſts of five pounds *per centum*, and five pounds *per centum*, on the produce and amount thereof reſpectively, in the ſame manner, and under the ſame regulations, as the additional duties of five pounds *per centum*, and five pounds *per centum*, are granted to his Maſteſty by two ſeveral acts of parliament made in the nineteenth and twenty-second years of his Maſteſty's reign.

Duties on importation of ſore to be under the management of commiſſioners of cuſtoms, and drawback to be allowed as former drawbacks.

XXXVI. And it is hereby further enacted by the authority aforeſaid, That the ſaid duties herein-before granted upon the importation of ſuch foreign linens, cottons, muſlins, fuſtians, velvets, veverets, damities, and figured ſtuſſs, ſhall be under the management and direction of the commiſſioners of his Maſteſty's cuſtoms in *England* and *Scotland* reſpectively, and ſhall be drawn back upon the exportation of the ſame goods ; and the ſaid duties and drawbacks ſhall be raiſed, levied, collected, recovered, paid and allowed, in the ſame manner and form, and under ſuch reſtrictions, penalties, and forfeitures, and by ſuch rules, ways, and methods, as the former duties and drawbacks for ſuch goods are reſpectively raiſed, levied, collected, recovered, paid, and allowed, (except where any alteration is made by this act,) as fully, to all intents and purpoſes, as if the ſeveral clauſes, powers, directions, penalties, and forfeitures, in any act or acts of parliament relating thereto, were particularly repeated and again enacted in this act.

Duties on importation of foreign linens, etc. to be aſcertained and paid in like manner as for other unrated goods.

XXXVII. Provided always, and it is hereby further enacted, That the before-mentioned duties, which are chargeable upon the importation of ſuch foreign linens, cottons, and muſlins, according to the value thereof, ſhall be aſcertained and paid, in the ſame manner, and the goods ſhall be ſubject and liable to the ſame rules, regulations, reſtrictions, and forfeitures, that other unrated goods, undervalued by the importer or proprietor, are ſubject and liable to by any act or acts of parliament now in force.

Limitation of actions.

XXXVIII. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons, for any thing by him or them done

done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. LXXIII.

An act to direct, that brewers selling beer or ale in less quantities than a cask, containing four gallons and a half, shall not be intitled to any allowance out of the duties of excise for waste or leakage; and for making allowances to distillers of raw wines and spirits from malt, cask, or gallon, in respect to the duties imposed by an act of the last session of parliament.

WHEREAS, by two acts of parliament, made in the twelfth year of the reign of King Charles the Second, one intituled, A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his late; and the other intituled, An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof, it was among other things, enacted, That every common brewer, not selling beer or ale by retail, for and in consideration of waste by filling and leakage of their beer and ale, should have and be allowed, out of the returns made by the gaugers, the several allowances and abatements after mentioned; that is to say, upon every three and twenty barrels of beer, whether strong or small, returned by the said gaugers, three barrels; and upon every two and twenty barrels of ale, whether strong or small, returned by the gaugers, two barrels: and whereas, by another act of parliament, made in the fifteenth year of the reign of King Charles the Second, (intituled, An additional act for the better ordering and collecting the duty of excise, and preventing the abuses therein,) it was, among other things, enacted, That no common brewer of beer and ale should sell, deliver, or carry out, any beer or ale to any of his customers, either in whole cask, or by the gallon, before notice given to an excise officer, but between the hours of the day therein mentioned: and whereas, by another act of parliament, made in the first year of the reign of King William and Queen Mary, (intituled, An act for an additional duty of excise upon beer, ale, and other liquors,) it was among other things, enacted, That the allowances appointed to be made and allowed to the common brewers, other than within the cities of London and Westminster, and the weekly bills of mortality, for waste by fillings and leakage of their beer and ale, out of the

Preamble.

Recital of 18

Car. 2. c. 23.

and c. 24.

15 Car. 2. c.

11.

1 Geo. 2. & Mar.

c. 24.

returns or charges made by the gaugers or other officers, ſhould be two barrels and an half upon every three and twenty barrels of beer and ale, whether ſtrong or ſmall, and no more: and whereas many common brewers, under the clause above recited of the ſaid act of the fifteenth year of King Charles the Second, do ſell great quantities of beer or ale by ſingle gallons, to divers of their customers, and nevertheless claim the aforeſaid allowance, directed to be made, for waſte by fillings and leakage, to common brewers not ſelling beer or ale by retail, by the ſaid two acts of the twelfth year of King Charles the Second, or by the ſaid act of the firſt year of King William and Queen Mary; and it has been doubted whether ſuch brewers, ſo ſelling their beer or ale by ſingle gallons, are intitled to the ſaid allowances; now to remove ſuch doubts, be it enacted by the King's moſt excellent Maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of July, one thouſand ſeven hundred and eighty-five, every common brewer, who ſhall ſell beer or ale, or worts, in any leſs quantity, at any one time, than in a whole caſk, containing four gallons and an half, ſhall be deemed to ſell beer or ale by retail, and ſhall not be intitled to the ſaid allowance for waſte by fillings and leakage in the ſaid two acts of the twelfth year of the reign of King Charles the Second, and the ſaid act of the firſt year of King William and Queen Mary, mentioned, nor to any other allowance for or in conſideration of ſuch waſte whatſoever.

From July 5
1785, every
perſon ſelling
beer, etc. in a
leſs quantity
than 4 gal-
lons and a
half, deemed
a retailer.

24 Geo. 3. c.
46.

Low wines
and ſpirits for
home con-
ſumption.

II. And whereas by a certain act, made in the laſt ſeſſion of parliament, intituled, An act to diſcontinue, for a limited time, the payment of the duties upon low wines and ſpirits for home conſumption, and for granting and ſecuring the due payment of other duties in lieu thereof; and for the better regulation of the making and vending Britiſh ſpirits, as well for home conſumption as for exportation; and for deſtroying all home made and foreign ſpirits, after the condemnation thereof; and for veſting in his Maſteſty the duties of exciſe, within the lands of Ferentſh, in the county of Linnenſh; and for diſcontinuing, for a limited time, certain impoſts and duties upon rum and ſpirits imported from the Weſt Indies: it was enacted, That for and during the ſpace of two years, to be computed from the firſt day of November, one thouſand ſeven hundred and eighty-four, all the rates and duties, granted and impoſed upon low wines and ſpirits for home conſumption, in and by any act or acts thencefore made and then in force, ſhould be diſcontinued; and that, in lieu and ſtead thereof, the ſeveral rates and duties in the ſaid act mentioned, ſhould, for and during the ſaid term of two years, be ſubſtituted, charged, and paid, which duties in the ſaid act mentioned are lower in value than the duties by the ſaid act diſcontinued: and whereas, at the time of paſſing the ſaid act, divers diſtillers or makers of low wines and ſpirits from malt, corn, or grain, were poſſeſſed of a large ſtock of ſpirits, diſtilled from malt, corn, or grain, for which the high duties by the ſaid act diſcontinued had been fully paid, and it is reaſonable that ſome

some allowance should be made to such distillers, in respect of the high duties so by them paid, for the spirits which were their stock in hand at the time of the passing the said act; but no provision is made in the said act for making such allowance; be it therefore enacted by the authority aforesaid, That it shall be lawful for the commissioners of excise in England, or the major part of them, in cases where the said duties were charged within the limits of the chief office of excise in London, to pay, out of the money in their hands, arising by the duties by the said act granted, unto such distiller or distillers, any sum or sums of money, not exceeding twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, and so in proportion for a greater or less quantity; and also for the commissioners of excise in Scotland, or the major part of them, in cases where the said duties were charged within the limits of the chief office of excise in Edinburgh, to pay, out of the money in their hands, arising by the said duties, unto such distiller or distillers, any sum or sums of money, not exceeding a rateable proportion of twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, according to the duties charged thereon in that part of Great Britain called Scotland; and also that it shall and may be lawful for any two or more justices of the peace for the county, riding, division, or place, in England and Scotland respectively, within which such duties were charged, in cases where the said duties were charged out of the said respective limits, to order the collector of the said duties to pay, out of the money in his hands, arising by the duties by the said act granted, unto such distiller or distillers, any sum or sums of money, not exceeding twenty-two pounds sterling for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, and in proportion for a greater or lesser quantity in that part of Great Britain called England; and in a rateable proportion of twenty-two pounds for every two hundred and fifty-two gallons of spirits made from malt, corn, or grain, according to the duties charged thereon, in that part of Great Britain called Scotland, according to the respective stock of such distiller or distillers, as the same was taken by the officers of excise respectively, who surveyed the several and respective malt distillers, between the twenty-second day of October, in the year one thousand seven hundred and eighty four, and the commencement of the said act; and if the said collector shall not have money sufficient in his hands to pay the said sums so ordered, the commissioners shall cause the same to be paid out of any monies arising by the said duties.

Allowance not exceeding 22l. for every 252 gallons, to be paid in England, and a rateable proportion of the same sum in Scotland, on the stock in hand between Oct. 22, and November 1, 1784.

III. Provided also, That every such distiller who shall apply for such allowance, shall give notice of his intention to apply for the same, unto the collector or supervisor of excise of the district within which the distillery of such distiller is situated, six days before such application to the commissioners of excise or justices of the peace respectively, in order that such collector

Six days notice to be given of intention to apply for said allowance.

or supervisor may attend, (if he thinks fit), to shew unto such commissioners or justices, how much the stock of such distiller respectively amounted unto, according to the survey of the officers made in *October*, one thousand seven hundred and eighty-four, as aforesaid.

Application to be made by Nov. 1, 1785. IV. Provided also, That every such distiller, intending to apply for such allowance as aforesaid, shall apply for the same within six months after the first day of *May*, one thousand seven hundred and eighty-five.

Allowance when ascertained never to be again examined. V. Provided also, That after any of the said commissioners or justices shall have once ascertained such allowance, the same shall never after be examined into by any other of the commissioners or justices.

Regulations for persons applying for the allowance. VI. *And whereas an account was taken of the stock in hand, at the several different corn distilleries, by order of the commissioners of excise in England and Scotland respectively, and by their proper officers, within ten days next preceding the commencement of the new rate of duties chargeable under the 1. A. A. 1784, and was so taken, cast, and computed, at and after the rate of one to ten over hydrometer proof; be it enacted by the authority aforesaid, That all and every person, claiming any allowance by way of drawback as aforesaid shall and do present a petition to the commissioners of excise in, England and Scotland respectively; in which petition shall be stated, not only the amount of the allowance claimed thereby, but also the particular place and places where the spirits on which such drawback is claimed, were made and distilled, the particular period or time, within twelve months last preceding the commencement of the reduced duties, when the stock of the petitioner, at each and every of such place or working, was either entirely out or at the lowest state, (if any was then in hand), the time next after such period when working began at each of such places respectively, and for how long time worts and wash were continued to be brewed and distilled therein respectively, the quantity of wash brewed, and on which the duties on low wines and spirits have been charged, and actually paid by the petitioner, and the whole amount of the duties so respectively paid within such period; and that the quantity of spirits sold and permitted out since the period, within such twelve months, at which the stock was either wholly out, or at the lowest state as aforesaid, together with the stock so remaining in hand, and on which such drawback shall be claimed, (cast and computed at one to ten over hydrometer proof), did not amount to one fifth part of the quantity of wash, on which the duties chargeable on low wines and spirits had been charged, and actually paid by the petitioner within such period, respect being had to the stock in hand, if any was at such lowest state, or when the petitioner so began working; to which petition shall be annexed an affidavit, made and sworn by one or more of the petitioners, before any two or more of the said respective commissioners, or before two or more justices of the peace for the county, riding, division, or place, where such spirits were remaining*

Petition to be verified on oath,

remaining in stock, verifying the particulars and matters stated in such petition; and every person or persons, who shall be convicted of making or taking a false oath, to any of the facts herein-before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalty on making false oath.

C A P. LXXIV.

An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea, for directing the officers of excise to examine and certify the exportation of excisable commodities; and for better joining the duties on candles.

WHEREAS by an act, passed in the last session of parliament, Preamble. intituled, An act for repealing the several duties on tea, 24 Geo. 3. c. 6. and for granting to his Majesty other duties in lieu thereof; 38. and also several duties on inhabited houses; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of excise thereon; it was enacted, That, from and after the fifteenth day of September, one thousand seven hundred and eighty-four, the several rates, duties, and other impositions upon tea, imported, sold, or used in this kingdom, should cease, determine, and be no longer paid or payable; and that upon all tea, which, from and after the said fifteenth day of September, one thousand seven hundred and eighty-four, should be delivered to the buyers thereof by the united company of merchants of England trading to the East Indies, there should be paid to the King's majesty, his heirs and successors, by the purchaser or purchasers of such tea, a duty of twelve pounds ten shillings per centum, to be computed upon the gross prices at which such tea should be sold; which duty should be paid as in and by that act is in that behalf directed and appointed: and whereas it is expedient that the said duty, by the said act granted upon tea, should be repealed; and in lieu of the said duty, by the said act granted upon tea, to grant unto his Majesty the two new duties of five pounds per centum, and seven pounds and ten shillings per centum, herein-after mentioned; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said duty, by the said act granted upon tea, shall cease, determine, and be no longer paid or payable; save and except in all cases relating to the recovering any arrears of the said duty, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon, or at any time before the said first day of August, one thousand seven hundred and eighty-five.

From Aug. 1, 1785, the duty on tea granted by the recited act repealed.

H. And be it further enacted by the authority aforesaid, Vol. XXXV. **Y** That

New duties in
lieu thereof.

That upon all tea which, from and after the said first day of *August*, one thousand seven hundred and eighty-five, shall be sold by the said united company, there shall be paid to the King's majesty, his heirs and successors, one duty of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold; and also one other duty of seven pounds and ten shillings *per centum*, to be also computed upon the gross prices at which such tea shall be sold; which said duties of five pounds *per centum*, and seven pounds and ten shillings *per centum*, shall be paid, by the purchaser or purchasers of such tea, to the said united company, at such time or times as shall, by the conditions of such sales, be from time to time appointed for the payment of the price of such tea to the said united company; and the said united company shall at all times, together with the proper officers of the customs, make up an account of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the collector inwards of his Majesty's customs, within forty days after the expiration of each quarterly sale; which said duty of five pounds *per centum* shall be under the management of the commissioners of the customs for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and the said united company shall also, at all times, together with the proper officer or officers, make up an account of seven pounds and ten shillings *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the commissioners of excise for the time being, within forty days after the expiration of each quarterly sale; which last mentioned duty shall be, and shall be deemed and taken to be an inland duty, and shall be under the management of the commissioners of excise for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and such tea shall and may, from time to time, be exported to any place or places, where the exportation of tea is now allowed by law, upon the same terms and conditions, and under and subject to the same rules, restrictions, regulations, and provisions, (not otherwise directed by this act,) which in and by an act made in the twenty-first year of the reign of his late majesty King George the Second, intitled, *An act for permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament; or in or by any other act or acts of parliament relating to the exportation of tea, in force at the time of the passing of the said act, made in the last session of parliament, are contained, provided, settled, or established, relating to the exportation of tea; and such*

Duty of 5 per
cent. to be
under the
management
of commis-
sioners of cus-
toms, etc.

Duty of 7l.
10s. per cent.
to be under
the manage-
ment of the
commis-
sioners of excise,
etc.

at Geo. 2, c.
14.

rules,

rules, restrictions, regulations, and provisions, shall be in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of Great Britain, upon such exportation of any such tea, any thing herein, or in any other act or acts of parliament, contained to the contrary in any-wise notwithstanding.

Provisions to said act, etc. relative to exportation of tea, to be applied in executing this act.

III. And be it further enacted by the authority aforesaid, That in case the monies by the said act of the last session of parliament, directed to be paid to the receiver general of the customs, (other than the duty on tea hereby repealed,) shall, together with the monies arising by the said duty of five pounds *per centum*, by this act granted, at any time in any one quarter (the necessary costs, charges and expences of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted,) exceed the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing, the said receiver general shall pay over such excess or surplus into the hands of the said commissioners of excise for the time being.

Receiver general of the customs, in case of a surplus or duties, to pay the same to the commissioners of excise.

IV. And be it further enacted by the authority aforesaid, That all the monies that shall arise by the said duty of five pounds *per centum*, granted by this act, (other than and except such excess or surplus as aforesaid,) and all the arrears of the said duty hereby repealed, shall be applied and paid by the said collector inwards, into the receipt of the exchequer, upon the several distinct heads of *Salt* &c. or *Other*, as the duty hereby repealed has been paid in there, pursuant to the said act of the last session of parliament; and the said duty of seven pounds and ten shillings *per centum*, hereby granted, together with such excess or surplus as aforesaid, shall (all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same being first deducted) be, by the said commissioners of excise for the time being, distributed in due proportion to the respective heads of excise to which the inland duties on teas, repealed by the said act of the last session of parliament were applicable, and shall be by them paid into the receipt of the exchequer, at the rate of one hundred and thirty-eight thousand nine hundred and seventy-nine pounds, five shillings, and ten-pence halfpenny *per quarter*; and such monies, so paid into the receipt of the exchequer, by the said collector inwards, and commissioners of excise, respectively, shall be applied to the same uses and purposes as the said duty on tea, repealed by the said act of the last session of parliament, were applicable unto; and in case, in any one quarter, the monies arising by the duties granted by the said act of the last session of parliament, (other than the duty on tea hereby repealed,) together with the said duty of five pounds *per centum* by this act granted, over and above all costs, charges, and expences of raising, receiving, collecting, levying, accounting for, and paying the same, shall be less than the sum of eighty-seven thousand one hundred and thirty-six pounds, sixteen shillings, and eight-pence farthing,

The 5 per cent duty (except the surplus) to be paid into the exchequer;

and also the 7 1/2 per cent duty.

Application of the duties.

the ſaid receiver general ſhall return a certificate thereof into the office of the auditor of the receipt of the exchequer aforeſaid; and in caſe, in any one quarter, the monies ariſing by the duty of ſeven pounds and ten ſhillings *per centum* by the act granted, together with ſuch exceſs or ſurplus as aforeſaid, over and above all coſts, charges, and expences of raiſing, receiving, collecting, levying, accounting for, and paying the ſame, ſhall be leſs than the ſum of one hundred and thirty-eight thouſand nine hundred and ſeventy-nine pounds, five ſhillings, and ten-pence halfpenny, the ſaid commissioners of exciſe ſhall return a certificate thereof into the ſaid office of the auditor of the receipt of the exchequer aforeſaid; and ſuch deficiencies reſpectively ſhall, from time to time, be made good, by or out of ſuch money as ſhall be or remain in the receipt of the exchequer of or for the ſurpluſies, exceſſes, or overplus money, or other revenues compoſing the fund commonly called *The Sinking Fund*, at the quarter day next after the ſaid certificates reſpectively ſhall have been reſtored into the office of the auditor of the ſaid receipt; and whatever monies ſhall be iſſued out of the ſaid fund to make good ſuch deficiencies reſpectively, ſhall be replaced by or out of the firſt ſupplies to be thereafter granted by parliament.

In caſe of a deficiency of duties, the ſame to be made good out of the ſinking fund

Receipts of commissioners of exciſe a ſufficient diſcharge to receiver general of cuſtoms.

Surplus of duties, how to be applied.

V. Provided always, and be it enacted, That the receipts of the commissioners of exciſe, or the major part of them, ſhall be a ſufficient diſcharge to the receiver general of the cuſtoms for ſuch monies as he ſhall pay to them in purſuance of this act, and ſuch receipts ſhall liberally be allowed by the proper officer or officers in paſſing the accounts of ſuch receiver general.

VI. And be it enacted, That if the monies ariſing by the duty of ſeven pounds and ten ſhillings *per centum* be leſs than ſufficient to eight thouſand ſhillings, and ten-pence halfpenny, the ſurplus, after ſuch monies, of exciſe be applied to the ſaid ſinking fund, ſhall be made good by the receiver general.

VII. And be it enacted, That the monies ariſing by the duty of ſeven pounds and ten ſhillings *per centum* be leſs than ſufficient to eight thouſand ſhillings, and ten-pence halfpenny, the ſurplus, after ſuch monies, of exciſe be applied to the ſaid ſinking fund, ſhall be made good by the receiver general.

Further enacted by the authority aforeſaid, That the monies ariſing by the duty of ſeven pounds and ten ſhillings *per centum* be leſs than ſufficient to eight thouſand ſhillings, and ten-pence halfpenny, the ſurplus, after ſuch monies, of exciſe be applied to the ſaid ſinking fund, ſhall be made good by the receiver general.

And be it enacted, That the monies ariſing by the duty of ſeven pounds and ten ſhillings *per centum* be leſs than ſufficient to eight thouſand ſhillings, and ten-pence halfpenny, the ſurplus, after ſuch monies, of exciſe be applied to the ſaid ſinking fund, ſhall be made good by the receiver general.

Monies to ariſe from the duties on coals, and how to be applied.

made a part of the fund, commonly called *The Aggregate Fund*; and the other moiety shall be carried to, and made a part of the fund, commonly called *The General Fund*; in lieu of the former duty on coffee so repealed: and shall be issued, paid, and applied to and for the same uses and purposes as the said respective funds are subject, liable, and appropriated unto.

VIII. *And whereas, by a clause in a certain act, made in the twenty first year of his present Majesty's reign, intituled, An act for repealing the duties payable upon chocolate made in Great Britain, and for granting certain inland duties upon cocoa nuts in lieu thereof; for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein; for the more punctual and ready payment of the allowances to be made to brewers out of the additional duties imposed on malt; and for rectifying a mistake in an act made in this present session of parliament, with respect to the exempting of candles from the additional duty of five pounds per centum upon the duties of excise imposed by the said act; it was enacted, That no tea, exceeding the quantity of forty pounds weight, not being original chest in which it was imported into this kingdom by the united company of merchants of England trading to the East Indies, and then continuing in the same state in which it was so imported, at any one time, directed to one and the same person, or persons where there are two or more in joint trade or partnership, should be removed or carried from any city, town, parish, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excise in London, to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, under and subject to the forfeitures in the said act mentioned; and by another clause in a certain other act, made in the twenty second year of his Majesty's reign, intituled, An act for repealing the duties payable for beer and ale above six shillings the barrel, exclusive of the duties of excise, and not exceeding eleven shillings the barrel, exclusive of such duties, and for granting other duties in lieu thereof; for granting additional duties on coaches, and other carriages therein mentioned; and also additional duties on soap made in Great Britain, and upon the produce of the said additional duties on coaches and on other carriages; and for the better securing the duty upon tea, and other duties of excise; and also for appointing the number of commissioners of excise who may hear causes depending before them relative to the duties on male servants; the removing or carrying tea, exceeding the quantity of twenty pounds weight, in manner in the same act mentioned, was prohibited, under the forfeitures in the same act mentioned; and the last mentioned clause is amended and enforced by another clause in a certain other act of parliament, made in the twenty-third year of his Majesty's reign, intituled, An act for the more effectual preventing the illegal importation of foreign spirits, and for putting a stop to the private distillation of British made spirituous liquors;*

Recital of a clause in 21 Geo. 3. c. 55.

22 Geo. 3. c. 68.

23 Geo. 3. c. 70.

liquors; for explaining such part of the act imposing a duty upon male servants, as relates to the right of appeal from the justices of the peace; to amend and rectify a mistake in an act of the last session of parliament, with respect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions against officers of excise acting in pursuance of the authority given by excise statutes; *whereby it is enacted, That if any tea, exceeding the quantity of twenty pounds weight at any one time, imported into the same two or more in joint trade by the*

same vessel imported into this kingdom by the united company of merchants in England trading to the East Indies, and then continuing in the same place in which it was imported, should be found moved or carried, or removing or carrying, whether with or without permit, from any city, town, parish, or place, within this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excise in London, to any other place out of the limits aforesaid, not within the said city, town, parish, or place, from which the same should be so removed or carried, and such tea, together with the carriers, horses, and other packers, carts, wagons, the horses, and the vessels and boats, and the drivers, and the carriers, and the carriers, in removing the same, should be forfeited, and the same might be seized by any officer of excise, and whereas the removal of tea, from one city, town, parish, or place to another, within the limits of the chief office of excise in London, to so small a quantity at one time as twenty pounds weight, has been found to be contrary to the intent; be it therefore enacted, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said several clauses shall be, and the same are hereby repealed.

From Aug. 1. 1785, the repealed clauses repealed.

All the powers and provisions in to Geo. I. c. 10. and other acts in force at the passing the tea act of last session, for raising, recovering, &c. the duty thereby granted, to be deemed to have been in force for securing the duty granted by the said tea act, and shall be applied in executing this act.

IX. And be it further declared and enacted, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, which, in and by an act made in the tenth year of the reign of his late Majesty King Georg. the First, intitled, *An act for regulating certain duties therein mentioned, for imposing duties upon coffee, tea, and nutmegs, chocolate, and other goods imported; and for granting certain inland duties in lieu thereof; and for preventing the importation of chocolate ready made, and other goods; and for ascertaining the duties payable upon coffee, tea, and nutmegs imported; and for granting relief to Robert Dalzell, late of Carnwath;* or in any other act or acts of parliament; relating to the duties upon tea, in force at the time of passing of the said act made in the last session of parliament, are contained, provided, settled, or established, for maintaining, executing, raising, levying, collecting, recovering, adjudging, managing, ascertaining, enforcing, or securing the duty thereby granted, and for preventing, detecting, and punishing frauds relating thereto, shall be deemed and taken to have been in full force, to all intents and purposes, from the time of the passing of the said act, of the last session of parliament,

for the managing, affeffing, raising, levying, collecting, recovering, adjudging, mitigating, afcertaining, enforcing, or fecuring the faid duty hereby repealed, and for preventing, detecting, and punifhing frauds relating thereto; and the fame powers, authorities, methods, rules, direCTIONS, regulations, penalties, forfeitures, provifions, clauses, matters, and things, fhall be and continue in full force, and be duly obferved, praCtised, applied, ufed, and put in execution, throughout the whole kingdom of Great Britain, and for the managing, affeffing, raising, levying, collecting, recovering, adjudging, mitigating, afcertaining, enforcing, and fecuring the faid feveral duties by this aCt granted, and for preventing, detecting, and punifhing frauds relating thereto, as fully and effectually, to all intents and purpofes (fo far as the fame are not altered by this aCt), as if the faid powers, authorities, methods, rules, direCTIONS, regulations, penalties, forfeitures, provifions, clauses, matters, and things, had been exprefly inferted and enacted in the faid aCt, paffed in the laft feffion of parliament, in this aCt.

X. Provided always, That nothing in this aCt contained fhall extend to fubject any perfon or perfons to any penalty or forfeiture for any aCt done or committed by him or them before the paffing of this aCt, to which fuch perfon or perfons would not have been liable if this aCt had not been made, any thing herein-before contained to the contrary in any wile notwithstanding.

Not to fubject to forfeitures before the paffing hereof.

XI. And whereas, by feveral aCts of parliament, the feveral duties of excife, or inland duties, or certain proportions of fuch duties, payable for or upon the feveral commodities after mentioned; that is to fay, Candles, leather, fops, teps, paper, paffioned, mulberryed, and fufebound, paper printed, painted, or ftained, to ferve for hangings and other ufes, ftarch, gold or filver wire, and bricks and tiles, are allowed to be drawn back on exportation of the faid feveral commodities to foreign parts by way of merchandize: and whereas, by the faid feveral aCts of parliament, certain regulations are provided for preventing frauds in the exportation or relinking any of the faid commodities, and certain powers and authorities are by the faid feveral aCts given to the cuftomers, collectors, or other officers of his Majefty's cuftoms, at the refpective ports or places of exportation of the faid feveral commodities refpectively, to adminifter certain oaths, and to take fcurities for the due exportation of the faid feveral and refpective commodities, and to grant to the exporters thereof certificates or debentures for the allowance of the duties on the faid commodities fo exported refpectively: and whereas the requiring thefe regulations, powers, and authorities, to be obferved and executed by the cuftomers, collectors, or other officers of his Majefty's cuftoms, has been found inconvenient; be it therefore enacted by the authority aforesaid, That, from and after the tenth day of Auguft, one thoufand feven hundred and eighty-five, fuch parts of fuch feveral aCts of parliament as require the faid regulations, powers, and authorities, to be obferved and executed by the cuftomers, collectors, or other officers of his Majefty's cuftoms, fhall be repealed, and

Reciting regulations and powers to be obferved, &c. by officers of cuftoms, under former aCts.

Such parts of thofe aCts repealed.

shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise, as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customs, collectors, or other officers of the customs, might have done before the passing this act.

From Aug. 10, 1785, any such commodities, for which the duties are paid, may be exported.

Notice to be given before packing up the same.

Penalty on opening packages, &c.

If such goods shall not be packed up, or shall not be able to bear such notice, and such notice to be given.

XII. And be it further enacted by the authority aforesaid, That, from and after the said tenth day of *August*, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons, who shall have paid all his Majesty's duties by any act or acts of parliament payable for any of the respective commodities aforesaid, or for any person or persons who shall buy, or be lawfully intitled to any of the said commodities, from the person or persons who actually paid his Majesty's duties thereupon, to export from any lawful quay, and in the lawful hours, any such respective commodities, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to say, The person or persons, so intending to export any such commodities, shall give twelve hours notice, within the limits of the chief office of excise in *London*, and twenty-four hours notice in other places in *Great Britain*, of his intention to pack up, in order to be exported, any such commodities, and of the time and place when and where the same are intended to be packed up, to the officer or officers of excise, who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall attend to the such commodities packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, (save and except the officer of excise at the port of exportation, as herein after mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every such offence; and the officer or officers who saw the said commodities packed up, shall take an account of the kinds and quantities of the said commodities so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same, at the port of exportation, without any fee or reward for so doing.

XIII. Provided always, That if the person or persons, so intending to pack up such commodities, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void, and such person or persons, so intending to pack up such commodities, shall be obliged to give a fresh notice to such officer or officers of the time and place when and where such commodities are intended to be packed up in order to be exported;

ported; and the person or persons, so intending to export such commodities, shall also give six hours notice of the time and place of shipping such commodities, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said commodities shall also, before the shipping the same, give sufficient security, to be approved of by the respective commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular commodities, so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said commodities shall be exported, is hereby directed to take in his Majesty's name and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a *Quaker*), that he believes the duties upon such commodities had been fully paid, and that such commodities are the same that are described in the account sent as aforesaid, by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said commodities, being satisfied of the truth thereof, shall, within one month after the exportation of the said commodities, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such commodities so shipped, and that all the duties have been paid for the same, and that security hath been given, before the shipping the same, for the due exporting the same; and such certificate or debenture, being produced to the collector of the port where the same commodities were exported, he shall forthwith pay or allow the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such commodities so exported, or of such part and so much of the said duties for such respective commodities so exported, as may now be drawn back or allowed on the exportation of any of the said commodities respectively by any law or laws now in force; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of such duties as drawbacks or allowances, granted upon the exportation of the same commodities, are now payable by law respectively.

Exporter to give security for the shipping thereof, etc.

and shall receive a certificate from the officer.

XIV. Provided always, That it shall be lawful for the officer attending the shipping such commodities, if he thinks it necessary, to open or examine such commodities at the port of exportation, in order that he may be satisfied that such goods are the

Officer attending the shipping such commodities, may examine them

Goods laden,
ed, etc. after
giving secu-
rity for ob-
taining the
drawback, to
be forfeited.

are the ſame that are deſcribed in the account ſent to him by the officer in whole preſence the goods were packed.

XV. Provided always, That if, after the ſhipping any ſuch commodities, and the giving or tendering ſuch ſecurity as aforeſaid, in order to obtain a drawback or allowance of the duties before paid or charged thereupon, the ſame commodities, or any part thereof, ſhall be unſhipped, unladed, or laid on land, or put into any other ſhip or veſſel within Great Britain, ſhipwreck, or other unavoidable accident, excepted, that then, and in every ſuch caſe, over and above the penalty of the bond, which ſhall be levied and recovered to his Maſteſty's uſe, all the ſaid commodities which ſhall be ſo unſhipped, unladed, or laid on land, or put into any other ſhip or veſſel within Great Britain, ſhipwreck, or other unavoidable accident, excepted, or the value thereof, ſhall be forfeited, and may be ſeized by any officer of the cuſtoms or exciſe.

Recital of 10
Annæ, c. 19;
and 12 Annæ,
c. 9.

XVI. And whereas by another act of parliament, made in the tenth year of the reign of Queen Anne, for laying ſeveral duties upon all ſope and paper made in Great Britain, or imported into the ſame; and upon chequered and ſtriped linens imported; and upon certain ſilks, calicoes, linens, and ſuffis, printed, painted, or ſtained; and alſo by another act, made in the twelfth year of the reign of Queen Anne, for laying additional duties on ſope and paper, and upon certain linens, ſilks, calicoes, and ſuffis, the duties of exciſe, or inland duties, payable on ſilks, calicoes, linens, or ſuffis, printed, painted, ſtained, or dyed in Great Britain, and ſo to be drawn back on the exportation of ſuch goods by way of merchant ſhip, and ſeveral regulations are preſcribed therein for preventing frauds in the exportation of ſuch goods; and certain powers and authorities are given to the ſeveral officers or collectors, or other officers of his Maſteſty's cuſtoms, ports or places of exportation of ſuch goods, and to grant to the exporter ſuch rates or drawbacks as the allowance of the duties on goods ſo ſent; and alſo as the regulations, powers, and authorities, to be obſerved and executed by the cuſtomers, collectors, or other officers of his Maſteſty's cuſtoms, has been found inconvenient; be it therefore enacted, That, from and after the tenth day of

From An
1786, cu
parts of
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repealed

Auguſt, one thouſand ſeven hundred and eighty-five, the parts of the aforeſaid two acts of Queen Anne, which require the ſaid regulations, powers, and authorities, to be obſerved and executed by the cuſtomers, collectors, or other officers of his Maſteſty's cuſtoms, ſhall be repealed, and ſhall be no longer obſerved or practiſed; and that, inſtead thereof, it ſhall be lawful for ſuch officer or officers of exciſe as the commiſſioners or exciſe ſhall appoint for that purpoſe, and they are hereby required to execute all and every the ſaid regulations, powers, and authorities, as fully and effectually as the cuſtomers, collectors, or other officers of the cuſtoms, might have done before the paſſing this act.

XVII. And

XVII. And be it further enacted by the authority aforeſaid, from and after the ſaid tenth day of *Auguſt*, one thouſand ſeven hundred and eighty-five, it ſhall be lawful for any perſon or perſons who ſhall have paid all his Majeſty's duties for any ſuch ſilks, calicoes, linens, or ſtuffs, printed, painted, ſtained, or dyed in *Great Britain*, or for any perſon or perſons who ſhall buy, or be lawfully intitled to any ſuch goods from the perſon or perſons who actually paid his Majeſty's ſaid duties, at any lawful quay, and in the lawful hours, to export any ſuch goods, for which all the duties ſhall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, herein-after mentioned; that is to ſay, the perſon or perſons intending to export any ſuch goods ſhall give twelve hours notice within the limits of the chief office of exciſe in *London*, and twenty-four hours notice in other places in *Great Britain*, of his intention to pack up ſuch goods in order to be exported, and of the time and place when and where the ſame are intended to be packed up, to the officer or officers of exciſe who ſhall be appointed for that purpoſe by the reſpective commiſſioners of exciſe in *England* or *Scotland*; and ſuch officer or officers ſhall attend to ſee ſuch goods packed up, and ſhall take care to meaſure the ſaid goods, and to ſee that the ſeals or ſtamps, denoting the payment of the duties thereupon, are taken off from every piece of ſuch goods before the ſame are packed up; and every ſuch piece ſhall be packed up in the preſence of ſuch officer or officers, and ſhall be ſecured with ſuch taſtenings, and ſealed with ſuch ſeal or mark, and in ſuch manner, as the ſaid reſpective commiſſioners ſhall direct; and if any perſon ſhall open ſuch package, or wilfully deſtroy or deſace ſuch ſeal or mark, (ſave and except the officer of exciſe at the port of exportation, as hereinafter mentioned), every perſon ſo offending ſhall forfeit and loſe the ſum of twenty pounds for every ſuch offence; and the officer or officers who ſaw the ſaid commodities packed up ſhall take an account of the kinds and quantities of ſuch goods ſo intended to be exported, and make a return thereof to the officer, who ſhall be appointed by ſuch commiſſioners to receive the ſame, at the port of exportation, without any fee or reward for ſo doing.

From Aug. 10, 1785, any ſuch ſilks, etc. for which the duties have been paid, may be exported.

Notice to be given before packing the ſame.

Penalty on opening packages, etc.

XVIII. Provided always, That if the perſon or perſons ſo intending to export ſuch goods, ſhall not begin and proceed to pack up the ſame at the time mentioned in ſuch notice, or within one hour after ſuch time, then ſuch notice ſhall be void; and ſuch perſon or perſons, ſo intending to pack up ſuch goods, ſhall be obliged to give a freſh notice to ſuch officer or officers, of the time and place when and where ſuch goods are intended to be packed up in order to be exported.

On failure of beginning to pack agreeable to former notice, a freſh notice to be given.

XIX. And whereas, by an act paſſed in the preſent ſeſſion of parliament, entitled, An act for repealing the duties on linens to be printed, painted, ſtained, or dyed in *Great Britain*, impoſed by an act made in the laſt ſeſſion of parliament, and for granting other duties in lieu thereof: and on cotton ſtuffs, muſlins, tulle, and

c. 74.

fustians, velvets, and velverets, wove in *Great Britain*, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts, every piece of linen or stuffs, or stuffs made of cotton, to be printed, painted, stained, or dyed in *Great Britain*, after the first day of August, one thousand seven hundred and eighty-five, is required to have a seal or stamp denoting the payment of the duties thereupon, and also a frame mark denoting the measure thereof, at both ends of every such piece; and all the regulations of the said act are enacted to extend to all silks, calicoes, linens, and stuffs to be printed, painted, stained, or dyed, in *Great Britain*, after the said first day of August, one thousand seven hundred and eighty-five; be it enacted by the authority aforesaid, That whenever any person shall be desirous of packing up, in order to be exported, any piece or pieces of such silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed, before the said first day of August, one thousand seven hundred and eighty-five, and not having such seals or stamps denoting the payment of the duties, and such frame marks denoting the measure thereof, at both ends of such piece or pieces, such person, or his clerk or manager, shall make oath (or, being a Quaker, affirmation) before the surveyor or supervisor, or other officer of excise appointed by the commissioners of excise for that purpose (who is hereby authorized and required to administer the same), that all and every such piece and pieces were printed, painted, stained, or dyed in *Great Britain* before the said first day of August, one thousand seven hundred and eighty-five; and such officer or officers shall not permit to be packed up, in order to be exported, any piece of silk, linen, or stuffs, which shall have been printed, painted, stained, or dyed, in *Great Britain*, after the said first day of August, one thousand seven hundred and eighty-five, not having the seals or stamps denoting the payment of the duties, and also the frame marks denoting the measure thereof, distinct and plain, at both ends of every such piece; which frame marks shall be cut off from both ends, at the same time as the seals or stamps denoting the payment of the duties are cut off from the same; and the person or persons intending to export such goods shall also give six hours notice of the time and place of shipping such goods, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said goods shall also, before the shipping the same, give sufficient security, to be approved of by the commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular goods so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted in writing by the officer of excise of the port where the said goods shall be exported, is hereby directed

Directions relative to silks, calicoes, etc. printed or dyed before Aug. 1. 1785, and designed for exportation.

Exporter to give security that the goods shall not be reloaded in *Great Britain*, etc.

1785.] Anno viccimo quinto GEORGE III. c. 74.

to take in his Majesty's name, and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a Quaker), that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said Surveyor, etc. within a month after exportation, to give a certificate to the exporter, which shall intitle him to a drawback. the surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such goods, and that all the duties have been paid for the same, and that security has been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods were exported, he shall forthwith pay or allow, to the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England or Scotland* are required to pay the said drawback or debenture out of the duties upon silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in *Great Britain*.

XX. Provided always, That it shall be lawful for the officer attending the shipping such goods, if he shall think it necessary, to open and examine such goods at the port of exportation, in order that he may be satisfied that such goods are the same that are described in the account sent to him by the officer in whose presence the goods were packed. Officer attending the shipping of goods may examine the same.

XXI. Provided always, That if, after the shipping any such goods, or giving or tendering such security as aforesaid, in order to obtain an allowance or drawback of the duties thereupon, the same goods, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said goods which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise. Goods, after shipped for exportation, relanded, shall be forfeited.

XXII. Provided always, That nothing in this act contained shall extend to authorize any person or persons to export any goods whatsoever, to any foreign parts whatsoever, other than such person or persons might have done by law before the making this act. Not to authorize the exportation of any other goods,

XXIII. Provided also, That nothing in this act contained shall

or in any other manner than might be done before the passing hereof.

Not to intitle exporters to any new drawback.

No Person to make candles, within the limits of the head office, unless he occupy a tenement of not less than one hundred per ann. and pay parish rates for the same; nor in any other part of the kingdom, unless he pay to church and poor.

shall authorise any person or persons to export any goods whatsoever, in any manner whatsoever, other than such person or persons might have done before the making this act, save and except as in this act is expressly provided.

XXIV. Provided also, That nothing in this act contained shall extend to intitle any person or persons to any other drawback or allowance, upon the exportation of any goods whatsoever, than such person or persons would have been intitled to by law upon the exportation of such goods before the making this act.

XXV. And whereas, notwithstanding the several laws already made for the securing the duties on candles, and for protecting the fair trader, many gross frauds are daily practised by evil-minded and indigent persons, who are encouraged in such practices by the length of time allowed by the laws for the payment of the duties on candles; for remedy whereof, be it enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, no person or persons whatsoever, residing within the limits of the head office of excise in London, shall be permitted to make any candles, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, she, or they shall accordingly be assessed in his or their own name or names, and shall also pay to the parish rates; and that no person or persons whatsoever, residing in any other part of the kingdom, where there are rates to church and poor, shall be permitted to make any candles, unless such person shall be assessed and pay to church and poor in the several parishes and places in which they shall respectively reside; and that no entry of any melting-house, workhouse, warehouse, storehouse, room, or place, for the making or keeping of candles, or for the melting or keeping of wax, spermaceti, tallow, or other materials to be made into candles, already made or hereafter to be made, as required by the statutes in such case made and provided, shall be of any avail to any person or persons not so qualified, or for any longer time than the person or persons, so making entry, shall be qualified as aforesaid; and every person making candles, and not qualified as aforesaid, shall, notwithstanding any entry by him, her, or them made, be deemed and taken to be a person making candles without entry, and shall be subject to the like penalties and forfeitures as persons making candles without entry are, by the statutes in such case made and provided, now subject unto.

Recital of two clauses in 8 Anne, c. 9.

XXVI. And whereas, by a clause in an act passed in the eighth year of the reign of Queen Anne, intituled, An act for laying certain duties upon candles, and certain rates upon monies to be given with clerks, and apprentices, towards raising her Majesty's supply for the year one thousand seven hundred and ten, it was enacted, That all and every person and persons whatsoever, who should make any candles in London, Westminster, or in any parts within the limits of the weekly bills of mortality, should monthly, and every

every month, and all and every person or persons whatsoever, who should make any candles in any other part of Great Britain, should, once in every six weeks, make a true entry in writing, at the next office of excise, of all the candles by him or them severally made within such month or six weeks respectively; which entries were to be made in manner as therein expressed; and by one other clause in the same act, it was further enacted, That all and every person and persons whatsoever, who should make any candles in London, Westminster, or within the limits of the said weekly bills of mortality, should, within four weeks, and all and every person and persons whatsoever, who should make any candles in any other part of Great Britain, should, within six weeks, after he, she, or they should make, or ought to have made, such entry as aforesaid, pay and clear off all the said duties for candles which should be due from him, her, or them respectively: and that all and every such makers of candles, who should refuse or neglect to make such payment as aforesaid, should forfeit and lose, for every such offence, double the sum of the said duty: and whereas the allowing so long time for the making the entries, and for the payment of the duties, as aforesaid, hath been found prejudicial to the revenue, and also to the fair trader, as evil-minded and indigent persons have been encouraged thereby to make candles, and have made entry of the candles by them made, but have refused to pay the duty when due, and before the time that the duty could be recovered, have absconded from their respective dwelling places, or by other methods have evaded the payment of the same; be it therefore further enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, the above recited clauses shall be, and the same are hereby repealed.

The said clauses repealed.

XXVII. And be it further enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, all and every person whatsoever, who shall make any candles, shall weekly, and every week, make a true entry in writing, at the next office of excise, of all the candles by him, her, or them severally made within each week; which said entries shall contain the weight, number, and size, of the candles mentioned therein respectively, and what quantity was made at each course within the said week to which such entry shall relate, on pain to forfeit, for every neglect of entry, the sum of twenty pounds; which entries shall be made upon oath by the makers of such candles, or by their chief workman or servant employed in making the same, according to the best of their knowledge and belief, unless such maker, workman, or servant, be a known Quaker, and the solemn affirmation of such maker or workman, or servant, to the same effect, in case he or she be a known Quaker, shall and may be taken instead of such oath; and the said entries, oaths and affirmations to verify the same, shall, for such candles as shall be made within the limits of the weekly bills of mortality, be made with, and administered by, such officer or

All candles made to be entered weekly, on oath.

Particulars to be specified in the entry.

With and by whom such entries and oaths shall be made and administered.

officers

officers as shall be appointed by the commissioners of excise in *England*, or the major part of them for the time being, who shall attend at the general excise office in *London* for that purpose; and for all candles made in all parts of *Great Britain*, with and by the respective collectors or supervisors of the district or division within which the respective makers of candles shall inhabit, without any fee or charge whatsoever to be demanded or taken for the same.

Candlemakers
to pay the du-
ties within a
week after
entry.

XXVIII. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall make any candles in *Great Britain*, shall, within one week after he, she, or they shall make, or ought to have made, such entry as aforesaid, pay and clear off all the duties for candles which shall be due from him, her, or them respectively; and that all and every such maker of candles, who shall refuse or neglect to make such payment as aforesaid, shall forfeit and lose, for every such offence, double the sum of the said duty whereof the payment shall be so refused or neglected; and that no such maker of candles, after such default in payment made, shall sell, deliver, or carry out any candles, until he or she hath paid and cleared off his or her duty as aforesaid, on pain to forfeit double the value of such candles so delivered or carried out.

Chandlers,
before they
begin any
making of
candles, to
give notice to
the officer
when they
shall begin to
spread cot-
tons, etc.

XXIX. And be it further enacted by the authority aforesaid. That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every chandler, or maker of candles, before he, she, or they shall begin to work upon or make any course or making of candles whatsoever, shall give, to the officer of the division or place where such candles were intended to be made, notice in writing of the particular time and hour when he or she shall intend to begin to spread cottons, wicks or rushes, for any such course or making of candles, and also the hour and time, when he or she shall intend to begin to run in or dip any such cottons, wicks or rushes, which notice shall be given as herein-after is mentioned; that is to say, if such making is intended to be in any place within the limits of the head office of excise in *London*, then such notice shall be given by the space of six hours next before the beginning of every such making; and if such making is intended to be in any city or market town, out of the said limits, then such notice shall be given by the space of twelve hours next before the beginning of every such making; and if such making is intended to be in any other place out of the said limits, then such notice shall be given by the space of twenty-four hours next before the beginning of every such making, on pain of forfeiting the sum of fifty pounds for every time when any maker of candles shall begin to spread cottons, wicks, or rushes, or to run in or dip any such cottons, wicks, or rushes, without first giving such notice as aforesaid.

on penalty of
50*l*.

In what cases
notice shall
be void.

XXX. And be it further enacted by the authority aforesaid, That if such intended spreading of cottons, wicks, or rushes,
and

and also such intended running in or dipping such cottons, wicks, or rushes, shall not be begun and proceeded upon at the respective hours and times mentioned in such notice, or within three hours next after such respective hours and times, then every such notice shall be null and void. -

XXXI. *And, in order to deter persons from assisting in the private and fraudulent making of candles in unentered places,* be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, when any officer or officers of excise shall discover that the making of candles is carried on in any private workhouse, room, or place, whereof no notice has been given at the next office of excise, and shall at the same time discover in the workhouse, storehouse, room, or place, where such private making of candles shall be so discovered, any person or persons knowingly assisting, or any ways concerned in carrying on such private making of candles, every such person or persons so discovered shall forfeit and lose the sum of twenty pounds, over and above all penalties and forfeitures that the proprietor or maker of such candle shall be liable to; and it shall be lawful for the officer and officers of excise, and all other persons acting in his or their aid, to stop, arrest, and detain, all and every the person and persons so discovered in such workhouse, storehouse, room, or place, and to convey the said person or persons before one or more justice or justices of the peace for the county, riding, division, city, or liberty respectively, wherein such persons shall be so discovered as aforesaid; and it shall be lawful for such justice or justices of the peace respectively, on confession of the party, or on proof by the oath of one or more credible witness or witnesses, to convict the person or persons so discovered as aforesaid, and the person or persons so convicted shall, immediately on such conviction, pay the said sum of twenty pounds into the hands of the officer who shall have conveyed such offender before such justice or justices of the peace, to be applied in manner herein-after directed; and on such offender or offenders refusing or neglecting to pay the said sum of twenty pounds, the justice or justices, so convicting as aforesaid, shall, by warrant or warrants under his or their hand and seal, or hands and seals, commit the offender or offenders to the house of correction for the said county, riding, division, city, or liberty respectively, there to remain and be kept to hard labour for the space of two months, to be reckoned from the day of such conviction; and the person or persons so committed shall not be discharged until he, she, or they shall have paid the said sum of twenty pounds, or until the expiration of the said two months: and in case the person or persons so convicted shall be again discovered in any workhouse, storehouse, room, or place, where the making of candles shall be so privately carried on, assisting, or otherwise concerned in carrying on such private making of candles, he, she, or they, so again offending shall, upon the like conviction, forfeit and pay, for such second of-

Penalty on persons assisting in making candles privately:

first offence, 20l. or two months imprisonment;

second offence, 40l. or four months imprisonment.

fence, the sum of forty pounds, and shall be committed to the house of correction in manner aforesaid, there to remain for and during the term of four months, or until the said sum of forty pounds shall be paid.

All the powers, penalties, etc contained in 12 Car. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

XXXII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the count of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in the thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing of frauds relating thereto, (other than in such cases for which other penalties or provisions are prescribed by this act,) shall be executed, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

Penalties and forfeitures how to be recovered and applied.

XXXIII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

Limitation of actions.

XXXIV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants

General issue

1785.] Anno vicinio quinto GEORGE III. C. 75, 76.

defendants shall have treble costs awarded to him, her, or them, Treble costs
against such plaintiff or plaintiffs.

C A P. LXXV.

An act to extend the provisions of an act, made in the twenty-third year of his present Majesty's reign, for granting to his Majesty a stamp duty on the registry of burials, marriages, births, and christenings, to the registry of burials, births, and christenings of protestant dissenters from the church of England.

WHEREAS by an act, made in the twenty third year of the Preamble.
reign of his present Majesty, (intituled, An act for grant- 23 Geo. 3. c.
ing to his Majesty a stamp-duty on the registry of burials, mar- 67.
riages, births, and christenings,) a stamp-duty of three-pence was
imposed on the entry of any burial, marriage, birth, or christening,
in the register of any parish, precinct, or place in Great Britain:
and where it is expedient to extend the provisions of the said act to
all his Majesty's protestant subjects dissenting from the church of
England; he it therefore enacted by the King's most excellent
majesty, by and with the advice and consent of the lords spiri-
tual and temporal, and commons, in this present parliament as-
sembled, and by the authority of the same, That, from and
after the first day of October, one thousand seven hundred and
eighty-five, the provisions of the said act, made in the twenty-
third year of the reign of his present Majesty, shall extend to
all his Majesty's protestant subjects dissenting from the church of
England; and that the registers of births, burials, and christen-
ings of such of them as use infant baptism, now kept, or here-
after to be kept by them; and the registers of births and bu-
rials of such protestant dissenters as do not use infant baptism,
now kept, or hereafter to be kept by them, shall be subject and
liable to the stamp duties by the said recited act imposed upon
the registers of births, burials, and christenings; any thing
therein, or in any other law contained to the contrary notwith-
standing.

From Oct. 1785, the
recited act ex-
tended to pro-
testant dis-
senters.

C A P. LXXVI.

An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

WHEREAS, by an act, made in the twenty-third year of the Preamble.
reign of his present Majesty, (intituled, An act for appoint- 23. Geo 3. c.
ing commissioners to enquire into the losses and services of all 80.
such persons who have suffered in their rights, properties, and
professions, during the late unhappy dissensions in America, in
consequence of their loyalty to his Majesty, and attachment to
the British government,) certain persons were constituted commis-
sioners for enquiring into the respective losses and services of all such
person and persons who have suffered in their rights, properties, and
professions,

*professions, during the late unhappy diſſentions in America, in confe-
quence of their loyalty to his Maſteſty, and attachment to the Britiſh
government: and whereas the purpoſes intended by the ſaid act are
not yet completed, and it is therefore judged that the ſaid act ſhould
be continued; be it therefore enacted by the King's moſt ex-
cellent majeſty, by and with the advice and conſent of the lords
ſpiritual and temporal, and commons, in this preſent parlia-
ment aſſembled, and by the authority of the ſame, That John
Walton eſquire, colonel Robert H. M. M. M., colonel Thomas Dunlop,
John M. M. eſquire, John Pennington eſquire, and Robert
M. M. eſquire, ſhall be, and they are hereby conſtituted
commiſſioners for the purpoſes in the ſaid recited and men-
tioned.*

Commiffion-
ers.

Commiffion-
ers to be
ſworn.

II. And be it further enacted, That any two commiſſioners
in this act named, before they enter upon the execution of the
ſame, ſhall take an oath before the maſter of the rolls for the
time being, or one of his Maſteſty's juſtices of the court of
King's bench, common pleas, or barons of the exchequer,
(which they or either of them are hereby authorized and re-
quired to adminiſter,) in the form following; that is to ſay,

The oath

I A. B. do ſwear, That, according to the beſt of my skill and know-
ledge, I will faithfully, impartially, and truly execute the ſeveral
powers and truſts veſted in me by an act, entitled, 1. An act for ap-
pointing commiſſioners together to enquire into the loſſes and
ſervices of all ſuch perſons who have ſuffered in their rights,
properties, and profeſſions, during the late unhappy diſſentions
in America, in confequence of their loyalty to his Maſteſty, and
attachment to the Britiſh government; according to the true and
purport of the ſaid act.

And every other of the ſaid commiſſioners, in this act named,
ſhall likewiſe take the ſame oath before the ſaid two commiſ-
ſioners, who are hereby authorized and required to adminiſter
the ſame, after they ſhall themſelves have taken the ſaid oath as
aforeſaid.

Commiffion-
ers may exa-
mine parties
on oath.

III. And be it further enacted, That it ſhall and may be
lawful to and for the ſaid commiſſioners, or any two or more
of them, and they are hereby authorized, impowered, and re-
quired, to examine upon oath (which oath they, or any two
or more of them, are hereby authorized to adminiſter,) all per-
ſons whom the ſaid commiſſioners, or any two or more of
them, ſhall think fit to examine, touching all ſuch matters and
things as ſhall be neceſſary for the execution of the powers
veſted in the ſaid commiſſioners by this act; and all ſuch perſons
are hereby directed and required punctually to attend the ſaid
commiſſioners at ſuch time or place as they, or any two or more
of them, ſhall appoint.

Commiffion-
ers to meet,
and to ſend
for perſons
reſpectively.

IV. And be it enacted by the authority aforeſaid, That
the ſaid commiſſioners, or any two or more of them, are
hereby authorized to meet and ſit, from time to time, at their
preſent

present place of meeting, or at such other place as they, or any two or more of them, shall think proper, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners, or any two or more of them, are hereby authorized to appoint and employ such clerks, messengers, and officers as they shall think meet, and to give to every of the said clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the trust reposed in him by the said commissioners, and in all other things touching the premises; which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners, or any two or more of them, shall think fit to direct and appoint in that behalf.

to appoint
clerks, &c.

V. And be it enacted by the authority aforesaid, That if it shall have appeared to the commissioners appointed by the said recited act, or shall hereafter appear to the commissioners appointed by this act, that any person hath delivered, or shall hereafter deliver to them, an account or claim beyond the real loss sustained by him or her, with an intent to obtain more than a just compensation; and if the said commissioners, or any two or more of them, shall have been or shall hereafter be of opinion that such account or claim was or is fraudulent, then such person so having claimed, or who shall hereafter so claim, shall be absolutely excluded from any compensation or provision whatsoever.

Persons deliv-
ering fraudulent
claims
to be excluded
from any com-
pen-
sation.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners, or any two or more of them respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

Persons giving
false evidence
to be liable to
the penalties
of perjury.

VII. And whereas by an act made in the twenty-third year of the reign of his present Majesty, (intituled, An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government), it was enacted, That no claim or request of any person or persons for aid or relief, on account of the loss of any property during the late dissensions in America, should be received after the twenty-fifth day of March, one thousand seven hundred and eighty-

Limitation of
the time for
receiving
claims.
23 Geo. 3. c.
85.

four : and whereas it may happen that several persons may be deprived of the relief intended by the said act, by reason of their having been incapable of preferring their claims during the time allowed by the said act; be it therefore enacted, That the said commissioners, or any two or more of them, are hereby empowered to receive the claim or claims of any person or persons who shall, upon oath, prove to the satisfaction of the said commissioners, or any two or more of them, that such person or persons was or were absent from the kingdoms of Great Britain and Ireland, and by unavoidable accident, or particular circumstances, to be judged of by the said commissioners, or any two or more of them, was or were utterly incapable of preferring his, her, or their claim or claims, during the time allowed by the said act; provided that no such claim or claims shall be received after the first day of May, one thousand seven hundred and eighty-six.

Commissioners appointed to go to the colonies in America to enquire into claims;

and in case of difference of opinion, to require the assistance of the governor, who, in case of the death of a commissioner, is to supply his place.

Commissioners may appoint persons to travel in America to enquire into facts.

VIII. And whereas several persons, resident in Nova Scotia, and other of his Majesty's colonies in America, have preferred claims to the commissioners appointed by the said recited act, or may hereafter prefer claims under this act; and whereas it may be attended with great inconvenience to such persons to come to Great Britain to substantiate such claims; be it therefore enacted, That colonel Thomas Dundas, and Jeremy Pemberton esquire shall, and they are hereby directed and required to repair to Nova Scotia, or any other of his Majesty's colonies in America, to enquire into such claims, with the same powers and authorities for enquiring into such claims as the commissioners appointed by the said recited and this present act, for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government, are invested with; and in case the said commissioners shall differ in opinion with respect to any claim, then, in such case, it shall be lawful for the said commissioners to call to their assistance the governor of any colony to which they may judge it necessary to repair; and the said governor agreeing in opinion with either of the said commissioners, shall decide the matter or question in dispute; and in case of the death of either of them the said Thomas Dundas or Jeremy Pemberton, that then the governor of the colony, where such enquiry shall from time to time be carried on, shall be added to and joined with the survivor of them the said Thomas Dundas and Jeremy Pemberton, and shall be invested with the same powers and authorities as the person so dying is hereby invested with.

IX. And be it enacted, That the said commissioners, or any two of them, are hereby empowered, if they shall think proper, to appoint, under their hands and seals, a proper person or persons to repair to any part of the United States of America, to enquire into such facts and circumstances as they may think material

material for the better ascertaining the several claims which have been, or shall be presented under the authority of this or any former Act.

X. And whereas an Act was passed in the sixteenth year of his present Majesty, intituled, An Act to prohibit all trade and inter-
 course with the colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an Act, made in the fourteenth year of the reign of his present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay; and also two Acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said Acts respectively mentioned; and to enable any person or persons, appointed and authorized by his Majesty to grant pardons, to issue proclamations, in the cases, and for the purposes therein mentioned; *whereby it was enacted, That all trade and commerce should be prohibited with the colonies therein mentioned, and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their engines, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which should be found trading, in any port or place of the said colonies, or going to trade, or coming from trading in any such port or place, should become forfeited to his Majesty, as if the same were the ships and effects of open enemies, and should be so seized and taken in all courts of admiralty, and in all other courts whatsoever: and whereas vessels, effects, goods, or merchandize, belonging to inhabitants of the said colonies, who were loyal subjects to his Majesty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the said Act; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners appointed by this Act, to enquire into losses sustained in consequence of the said Act, by any such inhabitants, who shall give sufficient proof, to the satisfaction of the said commissioners, of their loyalty to his Majesty, and attachment to the British government.*

Commissioners to enquire into losses sustained in consequence of an Act 16 Geo. 3. c. 5.

XI. And be it further enacted, That the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this Act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of State for the time being.

Commissioners to give an account of their proceedings to the treasury and secretaries of State.

XII. And be it further enacted, That the lords commissioners of the treasury, or lord high treasurer for the time being, are hereby authorized and required to issue and cause to be paid all such sums of money, not exceeding two thousand

Treasury to issue 2,000l. to the commissioners.

for paying
clerks, &c.

pounds *per annum*, to such person or persons as the said commissioners, or any two or more of them, shall, by writing under their hands, desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner, and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

Commissioners may receive half pay on taking the following

XIII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby impowered to administer the same:

oath.

I A. B. do swear, That I had not, between any place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIV. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of the act.

XV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of July, one thousand seven hundred and eighty-five, and no longer.

C A P. LXXVII.

An act to amend so much of an act, passed in the fourteenth year of the reign of his present Majesty, for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the places therein mentioned, as relates to manufactories of turpentine; for extending the provisions of the said act, so amended, to manufactories of pitch, tar, and turpentine, throughout that part of Great Britain called England; and for indemnifying the proprietor of a turpentine manufactory in Potter's Fields, in the borough of Southwark, against the penalties he may be liable to under the said act; and for excepting, for a limited time, his said manufactory from the provisions herein contained.

WHEREAS by a clause in an act, passed in the fourteenth year of the reign of his present Majesty King George the Third, intituled, An act for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the county of Middlesex: and for indemnifying, under certain conditions, builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law; it is enacted, That turpentine shall not be distilled or boiled, nor oil of turpentine and rosin drawn by distilling turpentine, nor oil and turpentine be boiled together, in a larger quantity than ten gallons, within the limits aforesaid, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of fifty feet at the least, under the penalties therein mentioned: and whereas the said distance of fifty feet is too small for the effectually preventing of accidents by fire from such manufactories, and it is proper that the same should be enlarged, and that the provision of the said clause so altered should be extended to manufactories of pitch and tar, and turpentine, throughout the kingdom; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the provision in the said recited act, respecting the making of turpentine, shall be, and the same is hereby repealed; and that, from and after the first day of August, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, within that part of Great Britain called England, to distil or boil any turpentine or tar, or to draw any oil of turpentine and rosin by distilling turpentine, or to draw any oil of tar or pitch by distilling or boiling tar, or to boil any oil and turpen-

Preamble.

Recital of
14 Geo. 3. c.
78.From Aug. 1,
1785. no tur-
pentine, etc.,
shall be boiled
within 75 feet
of any other
building;

turpentine together, or to boil any oil and tar together, above the quantity of ten gallons at one time, of all or any of the said commodities, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of seventy-five feet at the least, (except in houses or buildings now in use for carrying on such manufactories, and now legally intitled to be used for those purposes), upon pain that every person offending therein shall, for every such offence, forfeit and pay the sum of one hundred pounds; which forfeitures shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed, one moiety wherof shall go to the use of the poor of the parish, precinct, or place wherein the offence shall have been committed, and the other moiety thereof to such persons as shall sue for the same.

penalty of
seal.

Exception in
favour of
shipwrights,

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to prevent ship-wrights, barge-builders, boat-builders, or mast-makers, or other persons employed in building or repairing ships, barges, boats or other vessels, from boiling or mixing oil, and other materials, for the purpose of paying ships, barge-boats, or masts.

Proprietor of
the manufac-
tory in Pot-
ter's Fields,
exempted
from any pe-
nalty that
might be in-
curred under
14 Geo. 3.
c. 78.

III. And whereas doubts may arise, whether the proprietor of a certain manufactory of turpentine, pitch, and tar, situate in Potter's Fields, in the parish of Saint John Horsley Down, in the borough of Southwark, which manufactory was expressly excepted from the provisions of an act passed in the seventh year of the reign of Queen Anne, intituled, An act for making more effectual an act, made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire, but which exception was repealed by the said recited act of the fourteenth year of the reign of his present Majesty, may not have incurred the penalties by the said last mentioned act, inflicted on persons carrying on the manufactory of turpentine in houses situate within less than fifty feet of any other building: and whereas the proprietor of the said manufactory, not having received any compensation for being deprived, by the said last mentioned act, of the exception in favour of his premises, contained in the said act of the seventh year of the reign of Queen Anne, and the same having been repealed, without his knowledge and consent, it is reasonable that he should be indemnified from any penalties he may have incurred, by carrying on his business at his said manufactory, since the passing of the said last mentioned act; be it therefore enacted by the authority aforesaid, That the proprietor of the said manufactory of turpentine shall be, and is hereby indemnified, freed, and discharged from and against all penalties and forfeitures by him incurred, under or by virtue of the said recited act of the fourteenth year of the reign of his present Majesty, any thing therein contained to the contrary thereof in any wise notwithstanding.

7 Annæ, c. 17.

IV. And whereas the proprietor of the said manufactory hath agreed

agreed to accept a compensation for discontinuing the whole of his manufactory, as well that of pitch and tar as that of turpentine, at the place by him now occupied in Potter's Fields aforesaid, be it therefore further enacted, That it shall be lawful for the proprietor of the said manufactory to continue carrying on the same, for and during the space of six calendar months, and no longer; and that from thenceforth it shall not be lawful for any person or persons to carry on any manufacture of pitch, tar, or turpentine, on the site of the said manufactory in Potter's Fields, except in houses or buildings constructed and continued in such form and manner as is by this act directed and required with respect to manufactories of pitch, tar, and turpentine, hereafter to be made or erected.

Proprietor of manufactory in Potter's Field, may carry on his work for six months longer.

V. And be it further enacted, That no action or prosecution shall be brought or commenced against any person or persons, for any penalty inflicted or to be incurred by virtue of this act, unless the same shall be commenced within six calendar months next after such penalty shall have been incurred.

Limitation of actions.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. LXXVIII.

An act for granting to his Majesty additional duties on hawkers, pedlars, and petty chapmen; and for regulating their trade.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the several additional and new rates and duties hereafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August one thousand seven hundred and eighty-five, there be raised, answered, and paid, to and for the use of his Majesty, his heirs and successors, the additional and new rates and duties following; that is to say,

From Aug. 1, 1785, the following duties shall be paid by hawkers, and pedlars, etc.

By every hawker, pedlar, petty chapman, and every other trading person or persons, going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in England, Wales, or the town of Berwick upon Tweed, carrying to sell, or exposing to sale, any goods, wares,

By every hawker, &c. an additional duty of 4l. per ann.

wares, or merchandizes, an additional duty of four pounds for each year :

By every hawker, &c. travelling with a horſe, or other beaſt of burthen, a further duty of 8l. per ann. for each beaſt.

Any hawker, &c. ſelling goods by auction to forfeit 50l. for each offence.
9 & 10 Gul.
3. c. 27.

By every perſon ſo travelling with a horſe, aſs, or mule, or other beaſt bearing or drawing burthen, the additional ſum of eight pounds yearly for each beaſt he or ſhe ſhall ſo travel with, over and above the ſaid firſt mentioned duty, and over and above all other duties now payable by him or her.

II. And be it enacted by the authority aforeſaid, That nothing in this act, or in a certain act made at a ſeſſion of parliament held in the ninth and tenth years of the reign of his late majeſty King *William the Third*, (intituled, *An act for licensing hawkers and pedlars, for a further provision of intereſt for the tranſport debt for reducing of Ireland*,) ſhall extend, or be conſtrued to extend, to authoriſe or impower any hawker, pedlar, petty chapman, or any other trading perſon or perſons, going from town to town, or to other men's houſes, or travelling either on foot, or with horſe or horſes, or opening a room or ſhop, and expoſing to ſale any goods, wares, or merchandizes by retail, in any town, pariſh, or place, ſuch perſon not being a houſholder there, or the ſame but being an uſual place of his or her abode, or of his or her carrying on buſineſs, to vend or ſell, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-fix, any goods or merchandizes, whatſoever, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of ſale at auction, or whereby the beſt or higheſt bidder is or ſhall be deemed to be the purchaſer; but that every perſon and perſons whatſoever, going from town to town, or to other men's houſes, and travelling either on foot or with horſe, horſes, or otherwiſe howſoever, in *England, Wales*, or the town of *Berwick upon Tweed*, carrying to ſell, or expoſing to ſale, any goods, wares, or merchandizes, either on his, her, or their own account, or by, for, or upon commiſſion, or otherwiſe howſoever, who ſhall, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-fix, vend or ſell, or expoſe or offer to ſale, any goods, wares or merchandizes, either on his, her, or their own account, or by commiſſion, or otherwiſe, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of ſale at auction, or whereby the beſt or higheſt bidder is or ſhall be deemed to be the purchaſer, ſhall forfeit and pay, for every offence, the ſum of fifty pounds, to be recovered and applied as herein-after is mentioned.

After Aug. 1, 1785, the whole of the former duties, and the preſent additional ones, muſt be paid on taking out the

III. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, every hawker, pedlar, petty chapman, and other trading perſon or perſons, ſo travelling as aforeſaid, ſhall, at the time of receiving his or her licence, as hereafter mentioned, and without any diſcount whatſoever, pay all duties granted or made payable by the ſaid act, made in the reign of his ſaid late majeſty King *William the Third*; and alſo

all duties granted, imposed, or mentioned in and by this present act, payable or imposed upon him or her respectively, to the commissioners for the time being for licensing hawkers, pedlars, and petty chapmen, or some person or persons authorised or deputed by them, or the major part of them, in writing under their hands and seals; and upon payment thereof, and not otherwise, a licence shall be granted to them, subscribed by the said commissioners for the time being, or any two of them, for him or her to travel and trade according to the true intent and meaning of this and the said act made in the reign of King William the Third, and according to the duties which shall then be paid upon receiving such licence.

licence, without any discount.

IV. And be it further enacted, That if any such hawker, pedlar, or petty chapman, or other trading person, so travelling as aforesaid, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, be found trading as aforesaid, without, or contrary to, or otherwise than as shall be allowed by such licence, such person shall, for each and every such offence, forfeit the sum of ten pounds, to be recovered and applied as hereafter mentioned; and that if any person, so trading under and by virtue of any licence to him or her granted as aforesaid, upon demand made by any person or persons authorised or appointed to demand any such licence by the commissioners for licensing hawkers, pedlars, and petty chapmen for the time being, or any two of them, under their hands and seals, and upon producing or shewing such authority or appointment to such person so trading as last aforesaid, or upon demand made by any justice of the peace, mayor, or constable, or other officer of the peace of any county, riding, division, town corporate, borough, or place, where he or she shall so trade, shall refuse to produce and shew his or her licence for so trading as aforesaid, or shall not have his or her licence for so trading as aforesaid ready to produce and shew unto such person authorised or appointed as last aforesaid, or unto such justice of the peace, mayor, constable, or other officer of the peace; that then the person so refusing shall forfeit ten pounds, to be recovered and applied as herein-after mentioned, and for nonpayment thereof shall suffer as a common vagrant and be committed to the house of correction.

Every dealer travelling without licence forfeits 10*l*.

Every hawker refusing to produce his licence when required by an authorised person, forfeits 10*l*.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any licence or licences by this act directed to be granted, or travel with such forged or counterfeited licence or licences, for any of the purposes aforesaid, every such person shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and applied as herein-after is directed.

Every person travelling with a forged licence forfeits 10*l*.

VI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, in case any person shall let out to hire, or lend any licence to him or her granted as aforesaid, or shall trade with or under colour of any li-

Every person lending, or letting his licence to hire, after Aug. 1, 1785, forfeits 10*l* and his licence.

licence granted unto any other person whatsoever, or of any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, the person letting out to hire, or lending any such licence, and the person so trading with or under colour of any licence granted to any other person, or any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, shall each of them forfeit the sum of ten pounds, to be recovered and applied as herein after mentioned: and in case any person shall be convicted, or have judgement against him for lending his or her licence to any other person or persons, contrary to this act, such his or her licence shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid.

Every person trading without licence, or refusing to produce one, liable to be detained till the rol. is paid.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to seize and detain any such hawkers, pedlar, petty chapman, or other trading person as aforesaid, who shall be found trading without a licence, contrary to this act, or who being found trading shall refuse or neglect to produce a licence according to this act, after being required so to do for a reasonable time, in order to give notice to a constable, headborough, tithing-man, or other peace officer or officers, who are hereby required to carry such person to prison, unless they shall in the mean time produce their respective licences, before some of his Majesty's justices of the peace of the county or place where such offence or offences shall be committed; and the said justice of the peace is hereby authorized and strictly required, either upon confession of the party offending, or due proof by witnesses upon oath, (which he is hereby empowered to administer), that the person so brought before him had traded as aforesaid; and in case no such licence shall be produced by such offender before the said justice, by warrant under his hand and seal, to cause the said sum of ten pounds to be forthwith levied by distress and sale of the goods, wares, or merchandises of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the same, if any be, to the owner or owners thereof, after deduction of the reasonable charges for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid.

Every constable, etc. refusing to assist in the execution of this act, to forfeit rol. for each offence.

VIII. And be it further enacted by the authority aforesaid, That if any constable, headborough, or tithingman, or other officer or officers of the peace, shall refuse and neglect, upon due notice, or on his or their own view, to be aiding and assisting in the execution of this or the said recited act, being thereunto required, each and every such officer or officers, being thereof convicted by the oath of one or more credible witnesses or witnesses, before any justice of the peace for the county or place where the offence shall be committed, shall forfeit, for each

each and every fuch offence contrary to this act, the fum of ten pounds, to be recovered and applied as hereafter mentioned.

IX. And be it further enacted by the authority aforefaid, That no hawker, pedlar, petty chapman, or any other trading perfon or perfons, going from town to town, or to other men's houfes, or travelling either on foot, or with horfe or horfes, or opening a room or fhop, and expofing to fale any goods, wares, or merchandizes by retail, in any town, parifh, or place, fuch perfon not being a houfeholder there, or the fame not being an usual place of his or her abode, or of his or her carrying on bufinefs, fhall vend, fell, or expofe to fale, any goods, wares, or merchandizes whatfoever, in any city or market town in *England, Wales*, or the town of *Berwick upon Tweed*, or within the diftance of two miles from the middle of the moft central mark t place, by the ufual or moft common road, of any fuch city or market town; and in cafe any fuch perfon or perfons fhall vend, fell, or expofe to fale, any goods, wares, or merchandizes whatfoever, in any city or market town in *England, Wales*, or the town of *Berwick upon Tweed*, (except as before excepted), every fuch perfon fhall forfeit and pay, for every fuch offence, the fum of ten pounds, to be recovered and applied as herein-after is mentioned.

Every hawker expofing to fale any goods, wares, etc. in any city or market town, or within two miles thereof, forfeits and.

X. Provided always, and it is hereby enacted, That nothing herein contained fhall extend, or be conftrued to extend, to hinder any perfon or perfons from felling, or expofing to fale, any forts of goods or merchandizes in any publick mart, market, or fair, but that fuch perfon may do therein as they lawfully might have done before the making of this act; any thing herein before contained to the contrary notwithstanding.

except it be on a fair or market day.

XI. Provided always, and be it further enacted, That it fhall not be lawful for any hawker, pedlar, petty chapman, or other trading perfon, travelling as aforefaid, to vend his or her goods or wares, in any county, or city being a county of itfelf, or town being a county of itfelf, in *England* or *Wales*, by virtue of any fuch licence as aforefaid, in cafe the juftices, afsembled at the general quarter feflions of the peace, fhall have made an order that hawkers, pedlars, petty chapmen, and other trading perfons as aforefaid, fhall not have liberty to vend their goods and wares in fuch county, city, or town, upon pain of forfeiting, for every fuch offence, the fum of ten pounds; and that no fuch order fhall at any time be made, except at the quarter feflions next after *Michaelmas*, to be holden for fuch county, city, or town, and fhall not be in force until nine months after notice fhall have been given of the fame in fome publick newfpaper, published or circulated in fuch county, city, or town refpectively.

No hawker to vend his goods in any county, etc. in cafe the juftices, at the general quarter feflions, fhould have made an order to the contrary.

XII. Provided always, and be it further enacted, That if any hawker, pedlar, or petty chapman, or other trading perfon, fhall vend any goods, wares, or merchandizes, in any fuch county, city, town, or place, contrary to any of the provifions in this act contained, fuch hawker, pedlar, or petty chapman, fhall be liable to the like penalties as hawkers travelling without licence.

Persons offending to be liable to the like penalties as hawkers travelling without licence.

or other trading perſon, ſhall be ſubject and liable to the like penalties as is by this act inflicted on hawkers, pedlars, or petty chapmen, or other trading perſons, travelling without licence.

Hawkers, &c. who were cenſed on June 23, 1785 may ſet up any buſineſs in the place where they are reſident inhabitants, though not brought up thereto, and may employ therein perſons who have not been apprentices.

XIII. And be it further enacted, That from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, it ſhall be lawful for any perſon or perſons who, on the twenty-third of *June*, one thouſand ſeven hundred and eighty-five, was or were duly licenſed to trade as hawkers and pedlars, to ſet up, occupy, uſe, or exerciſe any craft, myſtery, or occupation uſed or occupied within this realm, in any place where they ſhall be reſident inhabitants, although they ſhall not have been brought up in ſuch craft, myſtery, or occupation, ſeven years as apprentices, and alſo to ſet any perſon on work, in ſuch craft, myſtery, or occupation, although in a perſon ſhall not have been apprentice therein as aforeſaid, any penalty, matter, or thing, contained in an act, paſſed in the fifth year of the reign of *Queen Elizabeth*, intituled *An act touching orders for maſters, ſcholarers, ſervants of huſbandry, and apprentices*, to the contrary notwithstanding; and that if any ſuch perſons, or their wives or children, ſhall be proſecuted for uſing or exerciſing any ſuch craft, myſtery, or occupation, in any city, town, or place and ſhall make it appear that they had ſuch licence as aforeſaid, they ſhall, upon the general iſſue pleaded, be found not guilty, in any action, bill, plaint, information, or indictment, for ſuch cauſe exhibited againſt them; and in all caſes where coſts are allowed, ſuch perſons, ſo acquitted, ſhall be intitled to and ſhall receive double coſts; and that no ſuch perſons, their wives, or children, during the time they ſhall uſe and exerciſe ſuch craft, myſtery, or occupation, in any pariſh or place, ſhall be removeable therefrom to his, her, or their laſt legal place of ſettlement, until ſuch perſon or perſons ſhall become actually chargeable to ſuch pariſh or place; any law now in being, relative to the ſettlement of the poor, to the contrary thereof notwithstanding.

No wholeſale trader in Britiſh goods to be deemed a hawker, &c.

XIV. Provided always, and it is hereby enacted, That no perſon, being a wholeſale trader in *Engliſh* bone-lace, in wool-len, linen, ſilk, cotton, or naxed goods, or any of the goods, wares, or manufactures of *Great Britain*, and ſelling the ſame by wholeſale, ſhall be deemed or taken to be a hawker, pedlar, or petty chapman, within the intent and meaning of this or of any other act relative to hawkers, or of any or either of them; and that all and every ſuch perſon or perſons, his, her, or their children, apprentices, ſervants, or agents, ſelling by wholeſale only, ſhall go from houſe to houſe, and from ſhop to ſhop, to any of their cuſtomers who ſell again by wholeſale or retail, without being ſubject or liable to any of the penalties or forfeitures contained in this or in any of the ſaid acts touching hawkers, pedlars, or petty chapmen; any thing in this or in any of the ſaid acts contained to the contrary notwithstanding.

This act not to extend to

XV. Provided always, and it is hereby enacted, That nothing in this act ſhall extend, or be conſtrued to extend, to prohibit

prohibit any perſon or perſons from ſelling any printed papers licensed by authority, or any fiſh, fruits, or victuals, nor to hinder any perſon or perſons who are the real workers or makers of any goods, wares, or manufactures of *Great Britain*, or his, her, or their children, apprentices, agents, or ſervants to ſuch real workers or makers of ſuch goods, wares, or manufactures only, from carrying abroad, expoſing to ſale, and ſelling by retail or otherwiſe, any of the ſaid goods, wares, or manufactures, of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town; nor any tinkers, coopers, glaſſiers, plumbers, harnes-menders, or other perſons uſually trading in mending kettles, tubs, houſehold goods, or harnes whatſoever, from going about and carrying with him or them proper materials for mending the ſame.

certain perſons as herein deſcribed.

XVI. And be it further enacted, That all pecuniary penalties, which ſhall be incurred under this act, of a greater ſum than twenty pounds, ſhall be recovered, together with coſts of ſuit, in any of his Maſteſty's courts of record at *Weſtmiſter*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; and one moiety of every ſuch penalty or forfeiture ſhall belong to his Maſteſty, his heirs and ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall inform or ſue for the ſame.

How penalties above 20l. are to be recovered and appropriated.

XVII. And be it further enacted, That in all caſes where the pecuniary penalty by this act impoſed doth not exceed the ſum of twenty pounds, it ſhall be recoverable before one of his Maſteſty's juſtices of the peace of the county, riding, ſhire, diſviſion, city, liberty, town, or place wherein the offence ſhall be committed, on proof of the offence, either by voluntary confeſſion of the party or parties accuſed, or by the oath of one or more credible witneſs or witneſſes; and one moiety of every ſuch laſt mentioned penalty ſhall belong to his Maſteſty, his heirs and ſucceſſors, and the other moiety to the informer or informers proſecuting for the ſame; and in caſe of nonpayment ſhall be levied by diſtreſs and ſale of the offender's goods and chattels, by warrant under the hand and ſeal of ſuch juſtice; and the overplus of the money raiſed, after deducting the penalty, and the expences of the diſtreſs and ſale, ſhall be rendered to the owner, and, for want of ſufficient diſtreſs, the offender ſhall be ſent by ſuch juſtice to the priſon of ſuch county, ſhire, diſviſion, city, liberty, town, or place, for ſuch time, not exceeding ſix months, nor leſs than one month, as ſuch juſtice ſhall think moſt proper.

How penalties under 20l. are to be recovered and appropriated.

XVIII. And be it further enacted, That if any perſon or perſons ſhall find himſelf or themſelves aggrieved by the judgement of any ſuch juſtice, then he or they ſhall and may, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded in caſe ſuch judgement ſhall be affirmed, appeal to the juſtices of the

Perſons aggrieved may appeal to the quarter ſeſſions.

peace at the next general quarter ſeſſions for the county, riding, or place, who are hereby impowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement of ſuch juſtice ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts occaſioned by ſuch appeal, as to them ſhall ſeem meet.

XIX. And be it further enacted, by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, exemptions, clauses, matters, and things whatsoever, which in and by the ſaid act, made in the reign of King William the Third, or by any other law now in force relating to or concerning the duties by that act granted, are provided, ſettled, or eſtabliſhed, other than ſo far as the ſame is, are, or ſhall be inconfiſtent with, or contradictory or repugnant to, any thing in this act contained, and other than in ſuch caſes for which different provisions are preſcribed by this act, ſhall be exerciſed, practiſed, applied, uſed, and put in execution, in and for the managing, raiſing, levying, collecting, recovering, and paying, the ſeveral duties hereby granted, and be in force with reſpect to the ſame, as fully and effectually, to all intents and purpoſes, as if all and every the ſaid powers, authorities, directions, rules, methods, penalties, forfeitures, exemptions, clauses, matters, and things, were particularly repeated and again enacted in this preſent act.

XX. And be it further enacted, That if any perſon or perſons ſhall be ſummoned as a witneſs or witneſſes to give evidence before any juſtice or juſtices of the peace touching any of the matters relative to this act, or to the herein-before mentioned act, made in the reign of King William the Third, and ſhall neglect or reſuſe to appear at the time and place to be for that purpoſe appointed, without a reaſonable excuſe for ſuch neglect or reſuſal, to be allowed of by ſuch juſtice or juſtices of the peace, or appearing, ſhall reſuſe to be examined upon oath, and give evidence before ſuch juſtice or juſtices of the peace before whom the proſecution ſhall be depending, that then every ſuch perſon ſhall forfeit, for every ſuch offence, the ſum of ten pounds, to be recovered, levied, and paid, in ſuch manner, and by ſuch means, as are herein directed as to the other penalties.

XXI. And be it further enacted by the authority aforeſaid, That the ſeveral duties herein-before granted ſhall be paid from time to time into the hands of the caſhier for the time being of the duties on hawkers, pedlars, and petty chapmen, who ſhall keep a ſeparate and diſtinct account of the ſeveral rates and duties, and pay the ſame (the neceſſary charges of raiſing, paying, and accounting for the ſame, being deducted) into the receipt of the exchequer, at ſuch time, and in ſuch manner, as the duties now charged on hawkers, pedlars, and petty chapmen, are directed to be paid; and that in the office of the auditor of the ſaid receipt ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and duties,

All the powers contained in 8 & 9 Gul. 3. c. 27, etc. relating to the duties granted by that act. (except, etc.)

shall be applied in execution of this act.

Penalty on witnesses who shall neglect to appear, etc.

Duties to be paid into the exchequer;

and entered separate from all others.

ties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Maſteſty, his heirs or ſucceſſors, upon any account whatſoever; and the ſaid money ſo paid into the ſaid receipt of exchequer as aforeſaid, ſhall be a fund for the payment of the ſeveral annuities, and all other charges and expences as are directed to be paid and payable purſuant to an act of this preſent ſeſſion of parliament, intituled, *An act for granting annuities to ſatisfy certain navy, victualling, and tranſport bills, and ordnance debentures.*

Application
thereof.

XXII. And be it further enacted, That if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſecuted for any thing by him or them done or executed in purſuance of this act, or of any claule, matter, or thing herein contained, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or judgement ſhall be recovered againſt him or them upon demurrer, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

Defendants
may plead the
general iſſue,

and recover
treble coſts.

C A P. LXXIX.

An act for repealing an act, made in the twenty-third year of the reign of his preſent Maſteſty, intituled, An act for granting to his Maſteſty a ſtamp-duty on licences to be taken out by certain perſons uttering or vending medicines; and certain ſtamp-duties on all medicines ſold under ſuch licences, or under the authority of his Maſteſty's letters patent; and for granting other duties in lieu thereof.

WHEREAS by an act, made in the twenty-third year of the reign of his preſent maſteſty King George the Third, intituled, An act for granting to his Maſteſty a ſtamp-duty on licences to be taken out by certain perſons uttering or vending medicines; and certain ſtamp-duties on all medicines ſold under ſuch licences, or under the authority of his Maſteſty's letters patent; it was enacted, That, from and after the firſt day of September, one thouſand ſeven hundred and eighty-three, there ſhould be charged, levied, and paid, unto and for the uſe of his Maſteſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay), all perſons (except ſuch as had ſerved a regular apprenticeship to any ſurgeon, apothecary, druggiſt, or chemiſt, or ſuch as had kept a ſhop for the ſpace of three years before the paſſing of that act, for the vending of drugs or medicines only, (not being drugs or medicines ſold by virtue of his Maſteſty's letters patent), uttering or vending medicines in Great Britain, ſhould annually take out a licence for that purpoſe, in manner therein preſcribed; and where the perſons ſo uttering or vending drugs or medicines, ſhould reſide within the cities of London and Weſtmiſter, or within the diſtance of the penny poſt, on every ſuch licence there ſhould be charged a ſtamp duty of twenty ſhillings; and where the perſons, ſo uttering or vending ſuch

Preamble.
23 Geo. 3.
c. 62.
recited;

drugs or medicines, ſhould reſide in any other part of Great Britain, there ſhould be charged on every ſuch licence a ſtamp-duty of five ſhillings: upon every box, packet, bottle, or phial, or other incloſure of any medicine under the price or value of two ſhillings and ſixpence, which ſhould be uttered, vended, or ſold, by any perſon or perſons taking out ſuch licences, or by any perſon or perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of three pence: upon every box, packet, bottle, or phial, or other incloſure of any medicine of the price or value of two ſhillings and ſixpence, and under the price or value of five ſhillings, which ſhould be uttered, vended, or ſold, by any perſon or perſons taking out ſuch licences, or by any perſon or perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of ſixpence: upon every box, packet, bottle, or phial, or other incloſure of any medicine of the price or value of five ſhillings and upwards, which ſhould be uttered, vended, or ſold, by any perſons taking out ſuch licences, or by any perſons under the authority of his Majeſty's letters patent, there ſhould be charged a ſtamp-duty of one ſhilling: now, we, your Majeſty's moſt dutiful and loyal ſubjects, the commons of Great Britain, in parliament aſſembled, finding that it will be convenient and for the publick ſervice to repeal the ſaid ſtamp-duties, ſo made payable by the ſaid recited act, and to grant unto your Majeſty the ſeveral new ſtamp-duties herein-after mentioned, for ſecuring a certain fund for the payment of ſuch annuities as by the ſaid recited act were charged upon the ſaid ſtamp-duties; therefore do moſt humbly beſeech your Majeſty that it may be enacted; and be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of September, one thouſand ſeven hundred and eighty-five, the rates and duties granted by an act, made and paſſed in the twenty-third year of his preſent Majeſty, intituled, *An act for granting to his Majeſty a ſtamp-duty on licences to be taken out by certain perſons uttering or vending medicines; and certain ſtamp-duties on all medicines ſold under ſuch licences, or under the authority of his Majeſty's letters patent; ſhall ceaſe, determine, and be no longer paid or payable.*

From Sept. 1, 1785, the duties following are to be paid, viz.

II. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of September, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the uſe of his Majeſty, his heirs and ſucceſſors, the ſeveral rates and duties following; (that is to ſay),

For every packet, etc. of medicines not exceeding 2s. in value, viz. 2d. 24.

That, for and upon every packet, box, bottle, phial, or other incloſure containing any drugs, oils, waters, eſſences, tinctures, powders, or other preparation or compoſition whatſoever, uſed or applied, or to be uſed or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any diſorder or complaint incident to, or in any wiſe affecting the human body, which ſhall be uttered or vended

1785.] Anno viccesimo quarto Georgii III. c. 79.

vended in Great Britain, there shall be charged a stamp-duty according to the rates following; (that is to say,) where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny half-penny:

And where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall exceed the price or value of one shilling, and not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

And where the contents of any such packet, box, bottle, phial, or other inclosure aforesaid, shall be above the price or value of two shillings and sixpence, and under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

And where the contents of any such packet, box, bottle, phial, or other inclosure, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling.

III. Provided always, That nothing herein-before contained shall extend, or be construed to extend, to charge with the rates or duties hereby imposed, any drug or drugs named or contained in either of the books of rates; (that is to say), the book of rates, subscribed with the name of sir *Harbottle Grimston* baronet, and mentioned and referred to by the act of tonnage and poundage, made in the twelfth year of the reign of King *Charles the Second*; or in the other book of rates, intitled, *An additional book of rates of goods and merchandises usually imported, and not particularly rated in the book of rates referred to in the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, with rules, orders, and regulations, signed by the right honourable Spencer Compton, speaker of the honourable house of commons*, and mentioned and referred to by an act made and passed in the eleventh year of the reign of his majesty King *George the First*; nor to any medicinal drug or drugs whatsoever, which shall be uttered or vended entire, without any mixture or composition with any other drug or ingredient whatsoever, by any surgeon, apothecary, chymist, or druggist, who hath served a regular apprenticeship, or by any person who hath served as a surgeon in the navy or army, under any commission or appointment which shall have been duly entered at the war office or navy office, or by any other person whatsoever licensed in pursuance of this act; but that all such drugs shall and may be uttered and vended by all such surgeons, apothecaries, chymists, and druggists, or other persons licensed as aforesaid, freed and discharged from the rates and duties by this act imposed on drugs, in such manner as they respectively, before the passing of this act, and the said herein recited act, might have done.

nor to x-
tures, etc.
prepared by
regular ſur-
geons, etc.
not claiming
the ſecret of,
or excluſive
right to the
preparing the
ſame;

IV. Provided alſo, That nothing herein-before contained ſhall extend, or be conſtrued to extend, to charge with the like rates, or duties any mixture, compoſition, or preparation whatſoever, mixed or compounded with, or prepared from medicinal drugs, medicated or chymical preparations or compoſitions, or other ingredients bearing different denominations, or having different properties, qualities, virtues, or efficacies, which ſhall be uttered or vended by any ſuch ſurgeon, apothecary, chymiſt, or druggiſt, as aforeſaid, or by any ſuch perſon who hath ſerved as a ſurgeon in the navy or army, under any ſuch commiſſion or appointment as aforeſaid, the different denominations, properties, qualities, virtues, and efficacies of which mixtures, compoſitions, and preparations, are known, admitted, and approved of, in the prevention, cure, or relief of any diſorder, malady, ailment, or complaint incident to, or in anywiſe affecting the human body; and wherein the perſon mixing, compounding, preparing, or uttering or vending the ſame, hath not, nor claims to have, any ſecret, ſecret, or unknown art for the mixing, compounding, or preparing the ſame, nor hath, nor claims to have, any excluſive right or title to the mixing, compounding, or preparing, or to the vending of the ſame, and which mixtures, compoſitions, or preparations, have not been, are not, nor hereafter ſhall be prepared, uttered, vended, or expoſed to ſale, under the authority of any letters patent under the great ſeal, nor at any time heretofore have been, now are, or hereafter ſhall be, by any publick notice, advertisement, or by written or printed papers or hand bills, held out or recommended to the publick by the makers, proprietors, or vendeth thereof, as noſtrums or proprietary medicines, or as ſpecifics, or otherwiſe, for the prevention, cure, or relief of any ſuch diſtemper, malady, ailment, or complaint as aforeſaid.

nor ſold under
letters
patent, or ad-
vertiſed as
noſtrums, etc.

Perſons vend-
ing prepara-
tions liable to
duties to
take out an
annual li-
cence.

Rates of du-
ties on li-
cences.

V. And be it further enacted by the authority aforeſaid, That every perſon in *Great Britain*, uttering or vending any drugs, oils, waters, eſſences, tinctures, powders, or other preparations or compoſitions whatſoever, uſed or applied, or to be uſed or applied, externally, or internally, as medicines or medicaments for the prevention, cure, or relief of any diſorder or complaint incident to, or in anywiſe affecting the human body ſubject to the duties herein-before impoſed, ſhall, annually, take out a licence for that purpoſe; and that, for and upon every licence ſo taken out by any ſuch perſon who ſhall reſide within the cities of *London* or *Weſtmiſter*, the borough of *Southwark*, or within the limits of the pencey poſt, or within the city of *Edin-
burgh*, there ſhall be charged a ſtamp-duty of twenty ſhillings; and for and upon every licence, ſo taken out by any other ſuch perſon, there ſhall be charged a ſtamp-duty of five ſhillings.

Duties to be
under the
management
of the com-
miſſioners for
ſtamps.

VI. And be it further enacted by the authority aforeſaid, That, for the better and more effectual levying and collecting all the ſaid duties herein-before granted, the ſame ſhall be under the government, care, and management of the commiſſioners for the time being appointed to manage the duties charged on ſtamped

stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner, as they, or the major part of them, are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

VII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to utter or vend, in any city, town, or other place within *Great Britain*, any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body, and subject to the duties by this act imposed; and the said licences shall continue in force for the space of one year, commencing from the first day of *September*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said first day of *September*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence; and all and every person and persons, who shall take out such licence for uttering or vending any such drugs, medicines, medicaments, or other preparations or compositions aforesaid, shall take out a fresh licence for another year, ten days at the least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to utter or sell such drugs, medicines, medicaments, or other preparations or compositions aforesaid; and shall, in like manner, renew such licence, from year to year, paying down the respective sums due for the stamps on such licences, as long as he or she shall continue to utter or vend such drugs, medicines, medicaments, or other preparations or compositions as aforesaid.

Commissioners for stamps to grant licences for one year from Sept. 1, 1785, or any subsequent day.

New licences to be taken out ten days before the old expire.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-five, no person whatsoever shall utter vend, or expose to sale, any drugs, medicines, medicaments, or other preparations or compositions aforesaid, which shall be subject to the duty herein-before imposed, unless he or she shall have first obtained a licence in such manner as is herein-before directed, upon pain to forfeit, for every such offence,

Every person selling medicines liable to duties without a licence, forfeits 5l.

the sum of five pounds, to be recovered and applied as herein-after is directed.

IX. And, in order to secure the duty hereby imposed, be it further enacted by the authority aforesaid, That every person making, preparing, or vending any such drugs, medicines, or medicaments, or other preparations or compositions aforesaid, which are subject to the duty herein-before imposed, shall, from time to time, send, or cause to be sent, to the said commissioners of stamps, or to their officers appointed by them for that purpose, paper covers, wrappers, or labels, made for inclosing such packets, boxes, bottles, phials, or other inclosures, containing or intended to contain any such drugs, medicines, medicaments, or other preparations or compositions aforesaid, with his, her, or their name or names, and any other particular word or thing printed thereon, to denote the value at which the same are respectively intended to be sold, in such manner and form as the said commissioners shall from time to time direct, in order that the same may be stamped with the several and respective duties hereby directed to be imposed, and marked, impressed, and distinguished with such other mark or device as the said commissioners shall direct, and delivered again from time to time to such maker or vender, as occasion shall require; and all and every the packets, boxes, bottles, or phials, or other inclosures, containing any drugs, medicines, medicaments, or other preparations or compositions aforesaid, uttered, vended, or exposed to sale, by any person or persons whatsoever, shall have pasted, stuck, fastened, or affixed thereto, such covers, wrappers, or labels, stamped, marked, impressed, and distinguished as aforesaid, in such manner as the said commissioners shall from time to time direct.

A penalty
is on persons
vending me-
dicines with-
out a label
&c.

X. And be it further enacted by the authority aforesaid, That no person or persons shall utter, vend, or expose to sale, any packet, box, bottle, or phial, or any other inclosure, containing any drug, medicine, medicament, or other preparation or composition aforesaid, subject to the stamp duties hereby imposed, unless the cover, wrapper, or label, hereby directed to be pasted, stuck, fastened, or affixed to the same, shall be pasted, stuck, fastened, or affixed thereto, and marked and stamped as by this act is directed; or that shall have any cover, wrapper, or label pasted, stuck, fastened, or affixed thereto, marked or stamped with a mark or stamp, of less denomination or value than by this act is directed, under pain that all and every such person and persons so offending shall forfeit and pay, for every packet, box, bottle, or phial, or other inclosure, containing any such drug, medicine, medicament, or other preparation or composition aforesaid, so uttered, vended, or exposed to sale, the sum of five pounds, to be recovered and applied as herein-after is directed.

XI. And, to prevent the cover, wrapper, or label, and the mark or stamp thereon, hereby directed to be pasted, stuck, fastened, or affixed to every packet, box, bottle, phial, or other inclosure, con-
taining

taining any drug, medicine, medicament, or other preparation or composition aforesaid, from being made use of again after they have been sold, and disposed of, to be affixed to other packets, boxes, bottles, vials, or other inclosures, containing any drugs, medicines, medicaments, or other preparations or compositions aforesaid by which practices his Majesty's revenue might be lessened and diminished; be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of September, one thousand seven hundred and eighty-five, fraudulently cut, tear, or take off any mark or stamp, in respect whereof or whereby any duties are hereby payable, or denoted to be paid or payable

Persons selling medicines with the same label a second time etc. forfeit. 10l.

his Majesty, on any packet, box, bottle, or phial, or other inclosure, containing any drug, medicine, medicament, or other preparation or composition aforesaid, subject to the duties hereby imposed, after the same shall have been sold or disposed of as aforesaid; or shall fraudulently paste, stick, fasten, or affix to any such packet, box, bottle, or phial, any cover, wrapper, or label, so marked and stamped as aforesaid, the same having once been made use of for the purpose aforesaid; or shall utter, vend, or expose to sale, any packet, box, bottle, phial, or other inclosure, containing any drug, medicine, medicament, or other preparation, or composition aforesaid, with such cover, wrapper, or label, so fraudulently cut, torn, or taken off as aforesaid, and pasted, stuck, fastened, or affixed thereto; all and every person and persons so offending, in any of the particulars before mentioned, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

XII. And, to prevent persons from fraudulently selling or buying any covers, wrappers, or labels, which have been before made use of for denoting any of the duties by this act imposed, or any packets, boxes, bottles, phials, or other inclosures, wherein any drugs, medicines, medicaments, or other preparations or compositions aforesaid, have been contained, and sold and disposed of with such covers, wrappers, or labels, pasted, stuck, fastened, or affixed thereto; be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of September, one thousand seven hundred and eighty-five, sell or buy any such cover, wrapper, or label, which hath before been made use of for the inclosing any packet, box, bottle, or phial, or other inclosure of any drug, medicine, medicament, or other preparation or composition, liable to the duty hereby imposed, in order to be again made use of for the like purpose; or shall sell or buy any packet, box, bottle, phial, or other inclosure, with such cover, wrapper, or label, which hath before been made use of as aforesaid, pasted, stuck, fastened, or affixed thereto; every such person so offending shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels for the purpose of being used a second time, or buying or selling any packet with such a label, forfeit 10l.

XIII. Provided always, and be it further enacted by the authority aforesaid, That if either the buyer or seller of any such

Either buyer or seller may such

inform against
the other, and
be himself in-
demnified.

such cover, wrapper, or label, or any such packet, box, bottle, phial, or other inclosure, shall inform against the other party concerned in buying or selling such cover, wrapper, or label, or such packet, box, bottle, phial, or other inclosure, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified from the penalties by him or her incurred, and shall receive the same benefit and advantage as any other informer shall be intitled to by virtue of this act for such information.

Allowances
for prompt
payment of
duties.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners for the time being appointed to manage the duties upon stamped vellum, parchment, and paper, shall allow and pay to every person that shall be supplied with, or shall bring any paper covers, or wrappers, or labels, as aforesaid, to the head office of stamps, to be stamped in pursuance of this act, the duty whereof, hereby imposed, shall amount to the sum of ten pounds or upwards, after the rate of two pounds in the hundred pounds *per annum*; and if such duty shall amount to the sum of fifty pounds or upwards, after the rate of five pounds in the hundred pounds *per annum*, upon present payment of the said duty upon the said paper covers, wrappers or labels, so to them supplied or by them brought.

Notice of the
place of mak-
ing or vend-
ing medi-
cines, with the
prices, &c. to
be sent to the
Stamp-office.

XV. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-five, every person and persons who shall make, prepare, utter, vend, or expose to sale, any such medicines, medicaments, or other preparations or compositions aforesaid, liable to the duties imposed by this act, before they respectively shall make, prepare, utter, vend, or expose to sale, any such medicines, medicaments, or other preparations or compositions aforesaid, shall give or send notice in writing of the usual house or place, houses or places, where they respectively shall make, prepare, utter, vend, or expose to sale, the same; and also of all drugs, oils, waters, essences, tinctures, powders, and other preparations and compositions subject to the duties by this act imposed, that shall be made, prepared, uttered, vend, or exposed to sale by them respectively, or intended so to be; which notice shall be given or sent to the commissioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place where such medicines, medicaments, or other preparations or compositions, shall be made, prepared, uttered, vend, or sold; and the like notice shall be given or sent by every such person or persons as often as they respectively shall change their places for that purpose, or shall change or vary the articles, or any of them, in which they shall so deal; and which notice shall contain the true and just name and names of all such drugs, oils, waters, essences, tinctures, powders, or other preparations or compositions aforesaid, by which the same respectively have been, or now are, or at any time hereafter, shall be called, known, or distinguished, and the kind,

kinds and qualities thereof, and the price or prices at which the same shall be intended to be vended or exposed to sale, upon pain that every person, making default in giving such notice as aforesaid, for every such offence, shall forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

XVI. *And, in order to obviate any doubts which may arise in the construction of this act for want of a particular specification, denomination, and enumeration of the different drugs, oils, waters, essences, tinctures, powders, or preparations or compositions which are charged with, or subject to the rates or duties by this act imposed, or to which the same shall extend;* be it declared and further enacted, 'That the rates and duties hereby imposed on drugs, oils, waters, essences, tinctures, powders, and other preparations or compositions used or applied, or to be used or applied, as medicines or medicaments for the prevention, cure, or relief of any distemper, malady, ailment, or disorder, incident to or in any wise affecting the human body, and upon persons uttering or vending the same; and all the powers, provisions, articles, clauses, distributions of penalties and forfeitures, and all other matters and things prescribed or appointed by this act for the raising, levying, collecting, and securing the said rates and duties, shall extend, and be deemed, and adjudged to extend, to charge with the said rates and duties all and every the article and articles mentioned, named, enumerated, or specified in the schedule hereunto annexed, by the respective names therein mentioned, or by whatsoever other name or names the same have heretofore been, now are, or hereafter shall be called, known, or distinguished; and also all pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs, and waters, chemical and officinal preparations whatsoever, of the same or the like properties, qualities, virtues, or efficacies, with those articles so mentioned, named, enumerated, or specified therein, or any of them, made, prepared, uttered, vended, or exposed to sale by any person or persons whatsoever, wherein the person making, preparing, uttering, vending, or exposing to sale the same, hath, or claims to have, any occult, secret, or unknown art for the making or preparing the same, or hath or claims to have any exclusive right or title to the making or preparing the same, or which at any time heretofore have been, now are, or hereafter shall be prepared, uttered, vended, or exposed to sale, under the authority of any letters patent under the great seal, or which at any time heretofore have been, now are, or hereafter shall be, by any publick notice or advertisement, or by written or printed papers or hand bills, held out or recommended to the publick, by the makers, venders, or proprietors thereof, as nostrums or proprietary medicines, or as specifics, or otherwise, for the prevention, cure, or relief of any such distemper, malady, ailment, or complaint as aforesaid; and shall also extend, and be deemed and adjudged to extend, to

This act to extend to the schedule annexed, and to all articles of the like qualities;

and where a secret art or exclusive right is claimed, or the medicines are advertised as nostrums, &c.

charge

charge with the rates or duties imposed on licences, all and every person and persons respectively who shall utter, vend, or expose to sale, any such preparations or compositions as aforesaid.

Persons counterfeiting marks, &c. guilty of felony.

XVII. And be it further enacted, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used, in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties; or shall utter, vend, or sell any vellum, parchment, or paper, directed to be marked or stamped with any mark or stamp provided and used in pursuance of this or any other act or acts of parliament, for denoting the duties thereby granted, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed, or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Regulations of all former acts, relative to stamp duties, extended to this act.

XVIII. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things, prescribed or appointed by any former act or acts of parliament, relating to the stamp-duties on vellum, parchment, and paper, shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted, with relation to the said new rates and duties hereby imposed.

How penalties are to be applied.

XIX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, hereby imposed, shall be divided and distributed, (if sued for within the space of six calendar months from the time of any such penalty being incurred) in manner following; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform and sue for the same.

How penalties are to be recovered.

XX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tyne*; and in his Majesty's court of sessions, court of justiciary, or court of exchequer in *Scotland*, for offences committed in that

that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

XXI. Provided always, and be it further enacted by the authority aforesaid, That such division or distribution of the penalties as aforesaid, shall be, and is hereby confined and restricted to the prosecuting for the same within the time hereinbefore for that purpose limited; and that in default of such prosecution within the time aforesaid, no informer or informers shall have or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid any thing herein contained to the contrary notwithstanding.

In default of prosecution in time limited, the whole penalties belong to his Majesty.

XXII. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace, residing near the place where the offence shall be committed, to hear and determine any offence under this act, which subjects the offender to any pecuniary penalty, at any time within six months after the offence committed or to be committed against this act; which said justice of the peace is hereby authorised and required, upon any such information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture according as in and by this act is directed, and to award and issue out his warrant, under his hand and seal, for the levying any pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Justices may determine matters relative to pecuniary penalties.

Appeal may be made to the quarter sessions.

XXIII. And be it further enacted by the authority aforesaid, That

Witnesses
neglecting to
attend, forfeit
40s.

That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such, his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as herein-before directed as to other penalties.

XXIV. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; (that is to say):

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ in the county of _____ A.B. of _____ was convicted before me C.D. one of His Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said A.B. on the _____ day of _____ now last past, did, contrary to the form of the statute in that case made and provided, [here state the offence against the act]; and I do declare and adjudge that he the said A.B. hath forfeited the sum of _____ of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs.

Given under my hand and seal the _____ day of _____

Justice may
mitigate pen-
alties.

XXV. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing contained in this act, or any other act of parliament to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Duties to be
paid into the
exchequer.

XXVI. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such

manner, as the duties now charged on ſtamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the ſaid receipt ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid ſeveral rates and duties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Maſteſty, his heirs or ſucceſſors, upon any account whatſoever; and the ſaid money ſo paid into the ſaid receipt of exchequer as aforeſaid, ſhall be a fund for the payment of the ſeveral annuities, and all other charges and expences as are directed to be paid and payable purſuant to an act of parliament paſſed in the twenty-third year of the reign of his preſent Maſteſty, intituled, *An act for raiſing a certain ſum of money by way of annuities, and for eſtabliſhing a lottery.*

and to be kept ſeparate from all other duties.

Application thereof.

XXVII. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time or times be ſued, moleſted, or proſecuted, for any thing by him or them done or executed in purſuance of this act, or of any claule, matter, or thing herein contained, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence, for his or their defence; and if upon the trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs become ſuitſed, then ſuch defendant or defendants ſhall have treble coſts awarded to him or them againſt ſuch plaintiff or plaintiffs.

Defendants may plead the general iſſue,

and recover treble coſts.

SCHEDULE to which this act refers :

Containing the names by which many medicinal preparations now in uſe, ſubject to the duties by this act impoſed, are known and diſtinguiſhed.

DRUGS, OILS, WATERS, *et cetera*, uſed as medicines; commonly called

A NALEPTIC Pills, Doctor James's.	Daffy's Elixir.
Ague and Fever Drops.	Dalby's Carminative.
Anderſon's Scotch Pills.	Dawſon's Lozenges.
Andaluſia Water.	Doctor Dickinson's Cephalic Drops.
Anodyne Necklace.	Edward's Ague Tincture.
Antipertuſſis.	Eſſence of Water Dock.
Antrheumatic Drops.	Falek's Univerſal Pills.
Balmic Eleſtuary for the Whooping Cough.	Freeman's Bathing Spirits.
Bateman's Drops.	Fryar's Baſam.
Betton's original Britiſh Oil.	Fendon's Drops.
Beaume de Vie.	Godfrey's Cordial.
Biri's Martial Baſam.	Grant's Drops.
Boſtock's Grand Elixir.	Griffin's Tinctura Aſthmatica.
Cox's Tincture.	Hickman's Pills.
	Hill's Peſtoral Baſam of Honey.

Hill's

Hill's Tincture of Sage.	Peters's Pills.
Ditto Tincture of Valerian.	Peke's Ointment.
Ditto Eſſence of Water Dock.	Ratcliff's Elixir.
Ditto Elixir of Bardana.	Spilbury's Antifcorbutic Drops.
Ditto Tincture of Centaury.	Speedman's Stomach Pills.
Ditto Canada Baſam.	Spirits of Scurvy Graſs.
Hamilton's Cinnamon Drops.	Stomachic Lozenges.
Ditto — Aſthmatic Effluvia.	Stoughton's Elixir.
Ditto — Vegetable Baſmamic Tincture.	Stern's Baſmamic Æther.
Hooper's Female Pills.	Squire's Elixir.
Holdſworth's Lozenges.	Steer's Opodeldoc.
Hunter's Elixir.	Ditto — Oil.
Ditto — Reſtorative.	Ditto — Purgine Elixir.
James's Fever Powder.	Tuberofa Vitæ, or Chilblain Water.
Jefuit Drops.	Turlington's Baſam.
Johnson's Yellow Ointment.	Vandour's Nervous Pills.
Keyſer's Pills.	Velno's Vegetable Syrup.
Leake's Pills.	Wace's Aſthmatic Drops.
Lozenges of Blois.	Ward's White Drops.
Ditto — of Tolu.	Ditto — Eſſence for the Head Ach.
Ditto — Stomachic.	Ditto — Liquid Sweat.
Ditto — Specific.	Ditto — Red Pills.
Ditto — for the Heartburn.	Ditto — Sack Drops.
Lockyer's Pills.	Ditto — Sweating Powders.
Le Cour's Imperial Oil.	Ditto — Pate.
Norton's Maredant's Antifcorbutic Drops.	Worm Cakes, Storey's.
Norris's Drops.	Worm Sugar Plumbs.
Peters's Tincture.	Wray's Ague Pills.

C A P. LXXX.

An act for granting to his Maſteſty certain duties on certificates to be taken out by ſolicitors, attornies, and others, practiſing in certain courts of juſtice in Great Britain; and certain other duties with reſpect to warrants, mandates, and authorities, to be entered or filed of record, as therein mentioned.

Moſt gracious Sovereign,

Preamble.

WE, your Maſteſty's moſt dutiful and loyal ſubjects, the commons of *Great Britain*, in parliament aſſembled, towards raiſing the neceſſary ſupplies to defray your Maſteſty's publick expences, have reſolved to give and grant unto your Maſteſty the duties herein-after mentioned; and do moſt humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the ad-

vice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *November*, one thouſand ſeven hundred and eighty-five, there ſhall be raiſed,

From Nov. 1, 1785, the following duties are to be paid, viz.

1785.] Anno vicesimo quinto GEORGE III. c. 80.

ed, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the rates and duties following; (that is to say),

That for and in respect of every warrant, mandate, or authority given to any solicitor, attorney, notary, proctor, agent, or procurator in Great Britain, to commence, carry on, or defend, any suit or prosecution in any of his Majesty's courts at Westminster, or in any ecclesiastical court, or in any of the courts of admiralty or cinque ports, or in any of his Majesty's courts in Scotland, the great sessions in Wales, or in any courts in the counties palatine, or in any other court holding pleas, where the debt or damage shall amount to forty shillings, or more, there shall be charged a stamp-duty of two shillings and sixpence:

That every solicitor, attorney, notary, proctor, agent, or procurator, admitted, enrolled, or registered in any of his Majesty's courts at Westminster, or in any ecclesiastical court, or in any of the courts of admiralty, or cinque ports, or in any of his Majesty's courts in Scotland, the great sessions in Wales, or in any courts in the counties palatine, or in any other court in Great Britain holding pleas, where the debt or damage shall amount to forty shillings, or more, shall, previous to his commencing or defending any suit or prosecution, take out annually a certificate of such his admission, enrolment, or register:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any of the towns of court, or in the cities of London or Westminster, the borough of Southwark, the parish of Saint Pauls, and Saint Mary le Bone, or within the bills of mortality, or within the city of Edinbrough, there shall be charged a stamp-duty of five pounds:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any other part of Great Britain, there shall be charged a stamp-duty of three pounds.

II. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps, to denote the said duties, as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act into execution, with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them,

For every warrant to prosecute for a debt of 40s. — 2s. 6d.

Certificates to be taken out annually by every solicitor, &c. practising in any court holding pleas for 40s. and upwards:

Those residing in London, Westminster, the bills of mortality, or Edinbrough, to pay 5l. for a certificate: In every other part of Great Britain, 3l.

Duties to be under the management of the commissioners for stamps.

1785
are or is authorized to put in execution any former law concerning stamped vellum, parchment and paper.

From November 1, 1785, every acting solicitor, &c. shall annually deliver in a note of his name and residence, &c. in order to obtain a certificate.

III. And, for the easier obtaining such certificate, be it further enacted by the authority aforesaid, That, from and after the first day of November, one thousand seven hundred and eighty-five, every person admitted, sworn, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any one or more of the courts aforesaid, who shall commence, carry on, or defend, any action, suit, or prosecution therein, shall annually, during such time as he shall continue so to practise therein, deliver into some one of the courts in which he shall have been admitted, sworn, enrolled, or registered, in such manner as herein after is directed, a paper or note, in the proper hand-writing of every such solicitor, attorney, notary, proctor, agent, or procurator, containing his name and usual place of residence, and marked and stamped with the proper mark or stamp denoting the duty herein before imposed upon certificates, according to the place of such his residence as aforesaid, and thereupon every such solicitor, attorney, notary, proctor, agent, or procurator, shall be intitled to have a certificate (if the same shall be required) in the manner herein after directed.

Officers for entering applications for certificates in England.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of November, one thousand seven hundred and eighty-five, the chief clerk of the court of king's bench, or his deputy, the clerk of the warrants in the court of common pleas, or his deputy, the clerk of the pleas in the exchequer office of pleas, or his deputy, the prothonotaries of the respective counties palatine of Lancaster, Chester, and Durham, and of the great sessions in Wales, or their respective deputies, and such officers of the inferior courts or law as the judge or judges of the interior courts respectively shall, from time to time, appoint to enroll the names of persons admitted attorneys in the said courts respectively, the senior clerk of the petty bag office in the court of chancery, or his deputy, the King's remembrancer of the court of exchequer, or his deputy, the chief clerk of the court or the duchy chamber of Lancaster, or his deputy, the register of the respective courts of equity in the said counties palatine, and of the great sessions in Wales, or their respective deputies, and such officers of the interior courts of equity as the judge or judges of such inferior courts respectively shall, from time to time, appoint to enroll the names of persons admitted solicitors in the said courts respectively, shall, and they are hereby respectively required, from time to time, upon payment of the fee of one shilling, to enter in alphabetical order, the name and place of residence of every such attorney and solicitor enrolled an attorney or solicitor in the said courts respectively, (and who shall have delivered in such paper or note in writing, duly stamped, and required a certificate of his enrolment, as aforesaid) in rolls or books to be provided and kept for that purpose in the said several and respective offices; and also that the registers of all and every the ecclesiastical courts,

courts, courts of admiralty, or of the cinque ports, or their respective deputies, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every notary, proctor, or procurator, admitted a notary, proctor, or procurator, in the said courts respectively, and who shall have delivered in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of his admission as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and also that all such officers of the courts of sessions, courts of judicary, circuit courts, court of exchequer, or sheriff or steward courts, or any other inferior courts in *Scotland*, as the judge or judges of the said courts respectively shall, from time to time, appoint to register any certificate of the oaths appointed by law to be taken and subscribed in the said courts respectively, by persons officiating therein as procurators, agents, or solicitors, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every such procurator, agent, or solicitor, delivering in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of such register as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and all and every the officers aforesaid respectively shall, and they, and each and every of them, are hereby required, at the time of making such entry, to subscribe to every such paper or note in writing, so delivered in, a certificate signed by every such officer respectively, according to the form of the schedule hereunto annexed; to all which said rolls or books, in the said courts respectively, all persons shall and may, at seasonable times, have free access without fee or reward.

Officers for entering like applications in Scotland.

Entering officers to certify notes delivered.

V. And be it further enacted by the authority aforesaid, That the said officers, or their respective deputies, after they shall have respectively signed such certificates, so subscribed by the respective papers or notes, in writing, duly stamped as aforesaid, shall forthwith issue the said certificates to the person or persons respectively requiring the same; and every certificate so issued shall bear date on the day on which the same was issued, and shall endure and remain in force for the space of twelve calendar months, to commence from the first day of *November*, one thousand seven hundred and eighty-five, upon all certificates to be issued on or before that day, and upon certificates to be first issued to any person or persons, after the said first day of *November*, one thousand seven hundred and eighty-five, and to commence from the date of every such certificate; which said certificate shall be renewed at least ten days previous to the expiration of the time for which it was granted, and so yearly and every year, so long as such solicitor, attorney, notary, proctor, agent, or procurator, shall continue to practise in any such court in manner aforesaid; and if any of the said respective officers, or their respective deputies, shall neglect or refuse to issue, within a convenient

Entering of officers, etc. to issue annual certificates, which must be renewed ten days before expiration.

Penalty on refusing to issue, or im-

properly issuing certificates.

venient time, the proper certificate required by this act, in such manner as is herein-before directed, or shall issue the same to any person otherwise than as before directed, every such officer so offending shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed, and moreover shall satisfy and pay to the party or parties aggrieved thereby, all such damages as shall or may accrue from such neglect, refusal, or default

Persons residing 40 days in any year within the limits of the higher duties, are to pay the same

VI And, to prevent evasion in the payment of the higher duties imposed by this act by solicitors, attorneys, notaries, proctors, agents, and procurators, who may have divers places of residence at the same time, within the limits of the different districts above mentioned; be it declared and further enacted by the authority aforesaid, That if any solicitor, attorney, notary, proctor, agent, or procurator, liable to any of the rates or duties hereby imposed on certificates, shall reside in any of the inns of court, or in the cities of London or Westminster, or the borough of Southwark, the parish of Saint Pancras, or Saint Mary le Bone, or within the bills of mortality, or within the city of Edinburgh, for the space of forty days, or more, in any one year; every such solicitor, attorney, notary, proctor, agent, or procurator, shall be deemed to be resident within the limits last mentioned, within the true intent and meaning of this act, and shall be liable to the higher duties by this act imposed on certificates, for and during such time as he shall continue to be so resident for the space of forty days, or more, in each year, notwithstanding such solicitor, attorney, notary, proctor, agent, or procurator, shall or may, at other times in each such year, reside elsewhere without the limits last aforesaid

Penalty on acting without certificate, or giving in a false place of residence

VII And be it further enacted by the authority aforesaid, That, from and after the first day of November, one thousand seven hundred and eighty five, every person who shall, in his own name, or in the name of any other person or persons, sue out any writ or process, or commence, prosecute, carry on, or defend any action or suit, or any proceedings as a solicitor, attorney, notary, proctor, agent, or procurator, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, without having obtained such certificate, in such manner as herein before is directed, or shall deliver in to the respective officers appointed by this act, any false or fictitious place of residence, with intent to evade the payment of the higher duties, in and by this act imposed, contrary to the true intent and meaning of this act, every such person, for every such offence, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed, and shall be, and is hereby made incapable to maintain or prosecute, any action or suit, in any court of law or equity, for the recovery of any fee, reward, or disbursements, on account of prosecuting, carrying on, or defending any such action, suit, or proceeding

VIII. Provided always, and be it further enacted by the authority aforesaid, That, from and after the said first day of November,

number, one thousand seven hundred and eighty-five, it shall and may be lawful for any person, having duly obtained a certificate in the manner herein-before directed, to sue out any writ or process, or commence, prosecute, or defend any action or suit, or any proceeding in any of the courts aforesaid, in the name and by and with the consent of any other solicitor, attorney, notary, proctor, agent, or procurator of such court, in writing first had and obtained, and signed by him in like manner as he might have lawfully done before the making of this act, provided that such solicitor, attorney, notary, proctor, agent, or procurator, in whose name such proceedings shall be instituted, commenced, or carried on, shall also have first duly obtained a certificate out of the court wherein he is sworn, admitted, enrolled, or registered, in manner as herein-before is directed; or, in default thereof, every such solicitor, attorney, notary, proctor, agent, or procurator, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities, as any other solicitor, attorney, notary, proctor, agent, or procurator, is by this act made subject and liable to.

Person
ing taken
certificate
may act
others who
have also
taken them
out.

IX. Provided also, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any person, duly sworn, admitted, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any two or more of the said courts respectively, under a proper certificate obtained from either of the said courts, in such manner as herein-before is directed, to commence, carry on, prosecute, solicit, or defend any action or suit, or any proceedings in any of the said other courts in which he is so sworn, admitted, enrolled, or registered, although such certificate shall or may not have issued from such other court; any thing herein contained to the contrary in anywise notwithstanding.

Person under
one certifi-
cate may act
in any other
court in which
he is sworn,
etc.

X. And whereas the act for the better regulation of attornies and solicitors doth not extend to the swearing, admission, or enrolment of the six clerks of the court of chancery, or the sworn clerks in their office, or the waiting clerks belonging to the said six clerks, or the cursitors of the said court, or of the clerks of the petty bag office, or of the clerks of the king's coroner and attorney in the court of king's bench, or of the filazers of the same court, or of the filazers of the court of common pleas at Westminster, or of the attornies of the court of the duchy chamber of Lancaster, or of the attornies of the court of exchequer at Chester, or of the attornies of the courts of the lord mayor and sheriffs of London respectively, or of the attornies or clerks of the offices of the king's remembrancer, treasurer's remembrancer, pipe, or office of pleas in the court of exchequer at Westminster, for the time being, or of the solicitors of the treasury, customs, excise, post-office, salt or stamp-duties, or of any other branches of his Majesty's revenue for the time being, or of the solicitors of the city of London for the time being, or of the assistant to the counsel for the affairs of the admiralty and navy; but that the said clerks, cursitors, filazers, attornies, and solicitors respectively, may be sworn, admitted, enrolled, and practise in their respective courts and offices,

according

The six clerks,
etc. are to
qualify them-
selves for act-
ing in the
same manner
as attorneys,

according to the usage and custom of those courts and offices respectively: and whereas it is expedient to extend the provisions of this act to such clerks, cursitors, filazers, attorneys, and solicitors, (except as herein-after excepted); be it therefore enacted by the authority aforesaid, That, from and after the said first day of November, one thousand seven hundred and eighty-five, no such clerk, cursitor, filazer, attorney, or solicitor, shall be permitted; in his own name, or in the name of any other person, to sue out any writ or process, or commence, prosecute, carry on, or defend any action or suit, or any proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, as a solicitor or attorney, (except as herein-after mentioned), unless such clerk, cursitor, filazer, attorney, and solicitor shall, for the purposes of this act, cause his name to be enrolled in the court in which he is such clerk, cursitor, filazer, attorney, or solicitor, as aforesaid, or in the respective court in which he shall to commence, prosecute, carry on, or defend any such suit, action, prosecution, or other proceeding, as such solicitor or attorney, with the proper officer appointed to enroll sworn solicitors or attorneys therein, (and every such officer is hereby required to enroll the same accordingly); and shall annually, during such time as he shall continue to practise as a solicitor or attorney, in manner aforesaid, obtain a certificate, marked and stamped with the proper mark or stamp, according to the place of his residence, in like manner as is herein-before directed with respect to sworn attorneys and solicitors, under pain that every such clerk, cursitor, filazer, attorney, or solicitor in the said respective courts or offices, offending therein, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities as aforesaid.

XI. And whereas it is also expedient to extend the provisions of this act to all such other officers or clerks of the respective courts aforesaid, who may be respectively intitled to carry on, agent, manage, solicit, or defend any action, suit, prosecution, or other proceedings, in the court whereof he is such officer or clerk, under or by virtue of his office or appointment; be it therefore further enacted by the authority aforesaid, That, from and after the said first day of November, one thousand seven hundred and eighty-five, no officer or clerk of any of the courts aforesaid, (except as herein-after excepted) shall be permitted, in his own name, or in the name of any other person, to sue out any writ or process, or to commence, prosecute, carry on, agent, manage, solicit, or defend any action or suit, prosecution, or other proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, as a solicitor, attorney, notary, proctor, agent, or procurator, unless such officer or clerk shall, for the purposes of this act, cause his name to be enrolled or registered in the court in which he is such officer or clerk as aforesaid, or in the respective court in which he shall so commence, prosecute, carry on, agent, manage, solicit, or defend any such action, suit, prosecution, or other proceeding, as such solicitor, attorney, notary,

of
arts, etc.
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notary, proctor, agent, or procurator, with the proper officer appointed to enroll or register solicitors, attornies, proctors, agents, or procurators therein, (and every such officer is hereby required to enroll or register the same accordingly); and shall annually, during such time as he shall continue to act in the manner aforesaid, obtain a certificate, marked or stamped with the proper mark or stamp according to the place of his residence, in like manner as is herein-before directed with respect to sworn attornies and solicitors, under pain that every such officer or clerk of any of the courts aforesaid offending therein, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities, as aforesaid.

XII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to subject to the payment of the several duties of five pounds or three pounds, hereby imposed, any officer or clerk of any of the courts aforesaid, who is now, or at any time shall be charged with the payment of land tax, in respect of his office or appointment in such court, for or by reason of his being employed in the conduct, care, or management of any action, suit, prosecution, or other proceeding therein, relating to or concerning the business of his office or appointment only, and wherein such officer or clerk shall not be also retained or employed by the party or parties to such action, suit, prosecution, or other proceeding, or by any solicitor, attorney, notary, proctor, agent, or procurator, for or in expectation of any fee or reward, over and above the fee or reward therefore due and payable to such officer or clerk, in respect of his office or appointment in such court.

Officers or clerks in court chargeable with land tax are exempted from duties, if acting officially only.

XIII. And, in order to make suitable provisions for the due payment of the duties by this act imposed, in respect of warrants, mandates, and authorities, to sue or defend as aforesaid; be it further enacted by the authority aforesaid, That, from and after the said first day of November, one thousand seven hundred and eighty-five, no solicitor, attorney, notary, proctor, agent, or procurator, shall be permitted to sue out any writ or process, or to commence, prosecute, or carry on any suit, action, or any prosecution, or other proceedings whatsoever, in any of the courts aforesaid, or to defend or appear for any defendant in any suit or action, prosecution, or other proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, by virtue or in respect of any warrant, mandate, or authority (whether the same be verbal or in writing) which shall be given to him for that purpose, unless such solicitor, attorney, notary, proctor, agent, or procurator, in every such action, suit, prosecution, or other proceeding, shall have delivered, or caused to be delivered, to the proper officer, or his deputy, hereby appointed for the receipt and entry thereof, a memorandum or minute, duly stamped in pursuance of this act, of such his warrant, mandate, or authority, containing the names of the respective parties prosecuting and defending the suit, ac-

A stamped memorandum to be given to the proper officer of the names of the parties, &c. in every action.

tion, prosecution, or other proceedings, and of the court in which the same shall be commenced, and also the name of the solicitor, attorney, notary, proctor, agent, or procurator, immediately retained to prosecute, carry on, or defend the same, to be entered or filed of record, as herein-after directed; which memorandum or minute shall and may be made out according to the form of the schedule hereunto annexed, (*mutatis mutandis*.)

Stamped memorandum delivered in such cases and to receive the preceps.

XIV. And be it further enacted by the authority aforesaid, That in all cases where any precept (except a precept for any original writ issuing out of the said court of chancery) is or shall be required by the rules or practice of any of the courts aforesaid, to be delivered, filed, or entered of record, with the proper clerk or officer previous to the signing or issuing any such original or other writ, precept, citation, or monition, or other first process, for any plaintiff or plaintiffs, upon the commencement of any such suit or action, or any prosecution, or other proceedings whatsoever, in any such court, it shall and may be lawful for every such solicitor, attorney, notary, proctor, agent, or procurator, to deliver in to every such clerk, or officer the memorandum or minute hereby required to be stamped, and to insert therein the nature and denomination of the process required to be signed or issued, and the return thereof, in such manner as heretofore hath been used in such courts with respect to such precepts as aforesaid; and that every such memorandum or minute, so stamped and delivered in as herein is above directed, shall be, and be deemed and adjudged to be, as valid and effectual an authority in law, for the signing or issuing any such writ, precept, citation, or monition, or other first process aforesaid, by any such clerk or officer, as if the precept heretofore used in such courts had been delivered in to the proper clerk or officer as aforesaid; any law, usage, or custom, or any thing in this act contained, to the contrary thereof notwithstanding.

Officers who receive stamped memoranda are to use the same.

XV. And be it further enacted by the authority aforesaid, That, from and after the said first day of November, one thousand seven hundred and eighty-five, the respective clerks and officers, or their respective deputies, to whom it shall appertain, or who shall be entrusted or appointed to sign or issue any original or other writ, precept, citation, monition, or other first process, for any plaintiff or plaintiffs, upon the commencement of any suit or action, or any prosecution or other proceedings whatsoever, in any of the courts aforesaid, or to enter, file, or record, any bail, appearance, admission, or other act, matter or thing, to be first done in the defending or appearing for the defendant or defendants in any such action, suit, prosecution, or other proceedings, in any of the courts aforesaid, shall, and they are hereby respectively required, from time to time, to receive, and forthwith enter, or file of record, every such memorandum or minute, which shall be delivered to them respectively, by or in the name of any solicitor, attorney, notary,

tary, proctor, agent, or procurator, in the said respective court of such clerk or officer, and marked or stamped with the mark or stamp denoting the rate or duty payable thereon pursuant to the directions in this act, and shall sign thereon the day of the month and year on which such memorandum or minute shall have been delivered, to be entered or filed of record as aforesaid, to which entries or files, in the said courts respectively, all persons shall and may have free access, at seasonable times, without fee or reward; and every such clerk or officer, or his respective deputy, neglecting the due performance of his office in the premises, shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after mentioned.

on penalty of 50l.

XVI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, every person who shall sue out any writ or process, or commence, carry on, manage, agent, solicit, or defend, any action, suit, prosecution, or other proceedings, except as herein-after mentioned, in any of the courts aforesaid, without having delivered to the proper officer, to be entered or filed of record, the memorandum or minute of his warrant, mandate, or authority, marked or stamped in such manner as by this act is directed, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

Persons not acting conformable to this act forfeit 5l.

XVII. And be it further enacted by the authority aforesaid, That no action, suit, prosecution, or other proceedings, in any of the courts aforesaid, shall be staid, nor any judgement, sentence, or decree thereon reversed, for or by reason of any omission or defect in the entering or filing of record the memorandum or minute herein-before directed, but the respective courts shall proceed, as far as concerns or relates to the party or parties to the said action, suit, prosecution, or other proceeding depending therein, as if such memorandum or minute was in due manner entered or filed of record.

Actions are to proceed though the memorandums should not have been entered or filed.

XVIII. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to rescind, change, or alter, any of the rules, or the practice of any of the courts aforesaid, heretofore used, relative to the entering or filing of record, by any solicitor, attorney, notary, proctor, agent, or procurator, any warrants of attorney, appearances, or proxies, or any admissions, to sue or defend either for the plaintiffs or defendants, in any cause or action depending therein, but that the rules and practice of the respective courts aforesaid relating thereto shall continue to be put in force, and used as heretofore, unless the judge or judges of those courts respectively shall think it fit or necessary to rescind, alter, or amend the same; and the said judge or judges of the several courts aforesaid, shall and may, and are hereby authorized and required, from time to time, to make such rules and orders in their respective courts, and do such other matters and

Practice of the courts of law, etc. with regard to entering of record, not altered, unless the judges think fit.

things,

things, for the better securing the said several rates and duties in and by this act imposed, as shall be lawful and reasonable in that behalf.

A stamped memorandum of warrant of attorney to be delivered previous to entering up judgement.

XIX. Provided always, and be it further enacted by the authority aforesaid, That, from and after the said first day of November, one thousand seven hundred and eighty-five, in all cases where any defendant or defendants shall, before appearance, confess any action or suit in any of the courts aforesaid, or shall execute any warrant of attorney to acknowledge judgement by *Nil dicere non sum infermatas*, or otherwise, the attorney who shall enter up any judgement thereupon, shall previously deliver, or cause to be delivered, to the proper officer, a memorandum or minute of such *Cognovit Actionem*, or warrant of attorney, stamped as herein before is directed, in the like manner, and according to the form above prescribed, under pain that he shall forfeit and pay the sum of five pounds, to be recovered and applied as herein after directed.

on penalty of 5l.

None of the duties to be charged to clerks.

XX. And whereas it is the intent and meaning of this act that the several rates and duties, in and by this act imposed, shall be borne and paid by the respective solicitors, attorneys, notaries, proctors, agents, or procurators, immediately retained or employed by the respective party or parties, and shall in no wise be charged or imposed, in the whole or in part, upon their respective clients: for the prevention of such charges, be it therefore enacted, That it shall not be lawful for any solicitor, attorney, notary, proctor, agent, or procurator, liable to the respective duties hereby imposed, who shall be retained by any person or persons to prosecute, carry on, manage, solicit, agent, or defend, any action or suit, or any prosecution or other proceedings in any of the courts aforesaid, directly or indirectly, to claim, demand, or receive, from the party or parties aforesaid, or, under any pretence whatsoever, to insert in any bill of fees or charges, or disbursements charged upon the party or parties aforesaid, any sum of money whatsoever for or in respect of the payment of the rates or duties aforesaid; but that it shall and may be lawful, upon application of the party or parties charged therewith, or of any other person in that behalf authorised, unto any of the said courts respectively, in which such action or suit, prosecution, or other proceedings, shall have been transacted, to refer the said bill or demand to be taxed or settled by the proper officer of such court, in such manner as is by law ordained or practised in such court respectively, for the taxation and settlement of such bills and demands; and if, upon the said taxation and settlement it shall be found that such solicitor, attorney, notary, proctor, agent, or procurator, shall have charged, or received from the party or parties aforesaid, any sum of money whatsoever contrary to the true intent and meaning of this act, then and in such case the said charge or demand shall be disallowed and struck out of such bill; or if the same shall have been paid, the said solicitor, attorney, notary, proctor, agent, or procurator respectively, shall refund and pay unto the party and parties intitled thereto, or

to any other person or persons duly authorized, in such manner as the respective courts aforesaid shall direct, all such money as the said officer shall certify to have been so overcharged or paid; and in every such case shall also be liable to the costs of the said taxation, to be ascertained at the discretion of the respective courts aforesaid.

XXI. Provided always, That in any suit or action, prosecution, or other proceedings, in any of the courts aforesaid if the person by whom any memorandum or minute shall have been delivered to be entered or filed of record as aforesaid, and by whom the duty payable thereon shall have been paid, shall not be immediately retained or employed by the party or parties prosecuting or defending the said suit or action, prosecution, or other proceedings, but shall act therein for and on the behalf of the solicitor, attorney, notary, proctor, agent, or procurator, so immediately retained and employed, it shall and may be lawful for every such person to charge and place to the account of the solicitor, attorney, notary, proctor, agent, or procurator, so immediately retained and employed as aforesaid, the duty hereby imposed on such memorandum or minute so paid.

Persons not immediately employed by the parties may charge the duties to the attornies for whom they act.

XXII. Provided also, That it shall and may be lawful for any solicitor, attorney, notary, proctor, agent, or procurator, retained or employed to prosecute or carry on any suit or action, prosecution, or other proceedings, for the plaintiff or plaintiffs, in any of the courts aforesaid, to enter or file, or cause to be entered or filed, any common appearance, or common bail, for the defendant or defendants, according to the statute in that case made and provided, without entering or filing of record any memorandum or minute in that respect for the defendant or defendants, and freed and discharged from the rates and duties hereby imposed thereon, in such manner as might have been done before the passing of this act; any thing herein-before contained to the contrary thereof notwithstanding.

Common appearance or bail may be filed without entering a memorandum.

XXIII. Provided also, and be it enacted, That no solicitor, attorney, notary, proctor, agent, or procurator, for any such defendant or defendants, shall, in any such case where an appearance or bail hath been entered or filed according to the statute, plead or carry on any further proceedings for any such defendant or defendants, in any such suit, action, or prosecution, until the memorandum or minute, stamped as aforesaid, of a warrant, mandate, or authority to defend, shall have been delivered to the proper officer, to be entered or filed of record according to the directions of the act; and if any such solicitor, attorney, notary, proctor, agent, or procurator for any such defendant or defendants, after such appearance or bail hath been entered or filed, according to the statute as aforesaid, shall plead or carry on any further proceedings for any such defendant or defendants, in any such suit, action, or prosecution, without having entered or filed of record the memorandum or minute of his warrant, mandate, or authority to defend, marked or stamped in such manner as by this act is directed, every such

After appearance of bail, a memorandum must be entered before any further proceedings.

solicitor,

on penalty of
5l.

If a defend-
ant is added
after com-
mencement of
an action, a
new memo-
randum is not
necessary.

Memoran-
dums to be
delivered on
putting in
bail to the
judge's clerk,
who is to re-
ceive sd in
the pound on
the duties.

Judge's clerks
neglecting to
deliver me-
morandums,
or defacing
the stamps
thereon, for-
feit 50l.

Not to extend
to any suit
for less than
40s.

Solicitor, attorney, notary, proctor, agent, or procurator, shall
forfeit and pay the sum of five pounds, to be recovered and
applied as herein-after is directed.

XXIV. Provided also, and be it enacted, That in every ac-
tion, suit, prosecution, or other proceeding, had or commenced
in any of the courts aforesaid, according to the directions of this
act, where any person or persons shall, under or by virtue of
any rule or order of such court respectively, be added as a de-
fendant or defendants therein, it shall and may be lawful for
any solicitor, attorney, notary, proctor, agent, or procurator for
the plaintiff or plaintiffs, to sue out the usual process against
such person or persons so added, without delivering any further
or other memorandum or minute, in pursuance of this act, by
specifying in the precipe to the officer, that the defendant or
defendants named therein hath or have been added thereto by
rule or order.

XXV. Provided always, and be it further enacted by the au-
thority aforesaid, That it shall and may be lawful for every at-
torney of the said court of king's bench, who shall put in any
special bail before any judge or judges of the said court, at the
time of putting in thereof, to deliver into and deposit in the
hands of the judge's clerk, before whom such bail shall be so
put in, the memorandum or minute of his warrant, mandate,
or authority to defend, marked and stamped according to the
directions of this act, which memorandum or minute every
such clerk is hereby required to receive *gratis*; and the judge's
clerks, to whom any such memorandum or minute shall be de-
livered as aforesaid, shall, within six days after the end of each
term, transmit and deliver the same to the officer appointed to
file special bails in the said court, to be filed of record; and the
said officer appointed to file such bails shall, out of the monies
paid to such officer by the receiver general of the stamp-duties,
according to the directions of this act, pay and allow to every
such clerk for the same, the sum of two-pence for every pound
sterling which the duties upon any such memorandums or mi-
nutes, delivered to be entered or filed of record as aforesaid,
shall amount unto; and in case any such judge's clerk shall
neglect to transmit and deliver to the officer, appointed to file
special bails in the said court of king's bench, all the memoran-
dums or minutes so deposited in his hands as aforesaid, or shall
wilfully deface or obliterate the same, or the stamp or mark di-
rected or allowed to be used by this act, for the purpose of de-
noting the duties payable thereon, every such judge's clerk shall,
for every such offence, forfeit and pay the sum of fifty pounds,
to be recovered and applied as herein-after is directed.

XXVI. Provided always, and be it further enacted by the
authority aforesaid, That nothing in this act contained shall ex-
tend, or be construed to extend, to charge with the payment
of the duties hereby imposed, for or in respect of any mandate,
warrant, or authority, to sue or defend, or any memorandum
or minute thereof, to be entered or filed of record in any action,
suit,

suit, prosecution, or other proceeding to be had, commenced, prosecuted, or defended, in any inferior court, wherein the debt or damages, claimed or demanded, shall not amount to the sum of forty shillings of lawful money of *Great Britain*; but that, in every such case, it shall and may be lawful for the attorney, writer, agent, or procurator, retained or employed to carry on or defend such action, suit, prosecution, or other proceeding, to deliver in a memorandum or minute of his warrant, mandate, or authority, in the manner herein-after directed, not marked or stamped with any mark or stamp denoting the duty imposed by this act, and to insert therein the amount of the debt or damages, under forty shillings, claimed or demanded as aforesaid; and that it shall not be lawful for any plaintiff, demandant, or pursuer, in any such action, suit, prosecution, or other proceeding, so commenced as aforesaid, to sue for or recover other, more or greater debt or damages than shall be contained and expressed in such memorandum or minute not stamped as aforesaid.

XXVII. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to subject to the payment of the duties hereby imposed, any person or persons whatsoever, for or in respect of any proceedings commenced, carried on, prosecuted, or defended, in any of the courts aforesaid, upon any indictment whatsoever, or upon any information, suit, writ, or process, in the name of his Majesty, his heirs or successors, or at the instance of his Majesty's attorney general, his Majesty's advocate of *Scotland*, or any other officer or officers legally authorized to prosecute in his Majesty's name, or to sue for his Majesty's interest, save and except informations in the nature of *Quo Warranto*, filed by his Majesty's coroner and attorney in the court of king's bench, informations in any courts of equity, at the relation of private persons, informations wherein any person or persons, other than his Majesty, his heirs or successors, shall be intitled to any penalty or forfeiture, or any part thereof; in all which last mentioned cases the said duties shall be, and are hereby required to be paid, as in cases between party and party, according to the directions of this act.

Act not to extend to suits carried on in his Majesty's name, etc. except where private persons are interested.

XXVIII. And, for the encouragement of the respective clerks and officers, by this act intrusted to enter and file of record the memorandums or minutes hereby required to be stamped as aforesaid, to be attentive and vigilant in the execution of this act, and as a compensation for their trouble; be it further enacted by the authority aforesaid, That the receiver general for the time being of the duties on stamped vellum, parchment, and paper, or some person employed by order from the commissioners of the said duties, shall from time to time take an account of the number of the memorandums or minutes entered or filed of record in the several and respective courts and offices aforesaid, and of the amount of the respective duties paid and payable thereon, and shall from time to time pay and allow to the respective

Sixpence in the pound on the duties for recording memorandums to be paid to the clerks.

respective clerks and officers aforesaid, the sum of sixpence for every pound sterling which the duties upon any such memorandums or minutes, entered or filed of record, and produced as aforesaid, shall amount unto.

How penalties are to be recovered.
XXIX. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his Majesty's courts of record at Westminster, for offences committed in that part of Great Britain, called England, the dominion of Wales, or the town of Berwick upon Tweed, and in his Majesty's court of sessions, court of judicary, or court of exchequer in Scotland, for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed, and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with full costs of suit.

Persons counterfeiting any stamp, or selling vellum, etc. with counterfeit marks, guilty of felony.
XXX. And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge any seal, stamp, or mark, directed or allowed to be used by this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately or fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death, as in cases of felony, without benefit of clergy.

Provisions of former acts relating to stamp-duties extended to this act.
XXXI. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things, prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be in full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Duties to be the r.
XXXII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of

of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered, separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall, together with such other rates, duties, and revenues, as shall be granted by any act or acts of this session of parliament for this purpose, be a fund for the payment of the several annuities, and all other charges and expenses as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and for incure debentures.*)

and kept separately.

Application of the duties.

XXXIII. And it is hereby enacted by the authority aforesaid, That if at any time or times it shall happen that the produce of the several duties granted by this act, together with the several other duties, revenues, and taxes, granted in the last session of parliament for the payment of the several and respective annuities granted by an act of the last session of parliament, (intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery*); and also by another act, made in the same session, for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures; together with the several other duties, revenues, and taxes, granted in this session of parliament, for the payment of the annuities granted by another act, made in this session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*), together with the other charges and expenses attending the said respective annuities, to be satisfied and paid out of the same, at the end of any or either of the half-yearly days of payment at which the same are directed by the said acts to be paid; then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund, commonly called, *The sinking fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf); and such monies of the said sinking fund shall and may be, from time to time, issued and applied accordingly; and if at any time or times, before any monies of the said fund, established as aforesaid, shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities as aforesaid, which shall be actually incurred and grown due at any of the respective half-yearly days

Deficiencies in the duties imposed for paying the annuities granted by 24 Geo. 3. c. 10; 24 Geo. 3. c. 39; and 25 Geo. 3. c. 32. to be made good out of the sinking fund;

for

for payment of the same, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said sinking fund, (except as before excepted), and be issued accordingly.

And to be replaced out of the first supplies.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the said sinking fund shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament.

Surplus of duties to be reserved for future disposition of parliament.

XXXV. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said funds, after the said several and respective annuities, granted by the afore-mentioned act, for raising a certain sum of money by way of annuities, and for establishing a lottery, and also the annuities granted in respect of the money due for bills payable in the course of the navy and victualling offices, and for transports, and also for ordnance debentures, converted into annuities in pursuance of the said acts, made in the last and this present session of parliament, and all arrears thereof, are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved in the exchequer for the future disposition of parliament.

Defendants may plead the general issue.

XXXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

and recover treble costs.

T H E S C H E D U L E,

Stating the Forms to which this act refers.

No. 1.

Form of the certificates to be granted to solicitors, attornies, notaries, proctors, agents, and procurators, practising in the several courts of law and equity, and ecclesiastical and other courts in Great Britain, by the respective officers appointed for that purpose, (mutatis mutandis.)

IN the court of [insert the name of the court in which the certificate is obtained] in England, (or Scotland, or Wales, etcetera, as the case may be.)

I. A.

I, *A. B.*, *clerk of the court of King's Bench*, [or *clerk of the war-
rents in the court of common pleas*, or as the case may other-
wise be], do hereby certify that the above written C. D. who
bath this day entered at my office his name and place of residence
as an attorney, [or *solicitor, notary, proctor, agent, or procu-
rator*, as the case may be], practising in town, [or in the
country, as the case may require], in pursuance of an act of
parliament, passed in the twenty-fifth year of the reign of his
Majesty King George, the Third, for granting certain duties on
certificates to be taken out by solicitors, attorneys, notaries, pro-
ctors, agents, or procurators, is duly enrolled (or admitted, or re-
gistered, as the case may require) an attorney [or *solicitor,
notary, proctor, agent, or procurator*, as the case may be] in
this court. In witness whereof, I have this day of
in the year of the reign of set my hand here-
unto, (the same being first duly stamped according to the place of
residence of the said C. D. herein above written.)

A. B.

No. 2.

*Form of the memorandum or minute to sue or defend, to be entered
in the respective courts, or filed of record.*

I N the court of [insert the name of the court
in which the proceedings are to be carried on] in Eng-
land, (or Scotland, or Wales, etcetera, as the case may be.)

Middlesex. } *A. B. is retained to prosecute by C. D. as his at-
To wit. } torney [or *solicitor, notary, proctor, agent, or procu-
No. rator*, as the case may be] against E. F. [or other-
(on the File.) wise, as the case may be.]*

*A. B. plaintiff's attorney, [if by an agent to the
solicitor, etcetera, immediately retained,
add] by G. H. his agent.*

*Entered or filed of record (as the case may require), this
day of in the year of the reign of*

[officer's name.]

No. 3.

The like form for the defendant's attorney, mutatis mutandis.

I N the court of [insert the name of the court,
as before].

Middlesex. } *I. K. is retained to defend by E. F. as his attorney,
To wit. } at the suit of A. B.*

*I. K. defendant's attorney, [if by an agent,
add] by L. M. his agent.*

*Entered or filed of record, this day of
in the year of the reign of*

[officer's name.]

No. 4.

Form of the memorandum or minute of a cognovit actionem, or warrant of attorney to enter up or acknowledge judgement, in the respective courts referred to by this act.

IN the court of [insert the name of the court, as before].

Middlesex, } A. B. is retained to enter up judgement on a cognovit
'To wit. } actionem, (or warrant of attorney to acknowledge
judgement, as the case may require), dated on the
day of at the suit of C. D. against E. F.

A. B. attorney; (if by an agent, add) by
G. H. his agent.

*Entered (or filed of record, as the case may require), this
day of in the year of the reign
of*

[officer's name.]

C A P. LXXXI.

An act for the better securing the duties payable on tobacco.

Preamble.

From Jan. 1,
1786, no tobacco but
from America, (except
of the growth
of Spain or
Portugal or of
Ireland), to
be imported
into Great
Britain.

WHEREAS the many regulations already provided by law to prevent the fraudulent and clandestine importation of tobacco into the kingdom of Great Britain, and to prevent the relanding of the same within the said kingdom, after it has been shipped for exportation, or exported from the said kingdom, have been found ineffectual: may it therefore please your Majesty that it may be enacted; and be enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of January, one thousand seven hundred and eighty-six, no tobacco whatsoever shall be imported or brought into Great Britain (except tobacco of the growth, production, or manufacture of the plantations or dominions of Spain or Portugal, imported respectively in the manner, and under the restrictions and regulations, and paying the same duties, which such tobacco was subject and liable to by all and every act and acts of parliament in force at the time of making this present act; and except tobacco of the growth of Ireland, imported as by law allowed before the making of this act), other than from some port or place within his Majesty's colonies, plantations, islands, or territories in America, or from some port or place within the United States of America, upon pain of forfeiture thereof, together with the package containing the same, and also the ship or vessel on board or in which the same shall be imported or brought, together with her guns, furniture, ammunition, tackle, and apparel.

II. And

II. And be it further enacted, That no tobacco whatsoever shall be imported or brought into *Great Britain* from any port or place whatsoever within his Majesty's said colonies, plantations, islands, or territories in *America*, or, from and after the first day of *January*, one thousand seven hundred and eighty-six, from any port or place whatsoever within the said United States of *America*, in any ship or vessel of less burthen than seventy tons, and which ship or vessel is either *British* built, or belonging to the United States of *America*, and navigated in manner following; that is to say, If a *British* built ship, with the master and three fourths of the mariners *British*, and if belonging to the said United States of *America*, with the master and three fourths of the mariners belonging to the said United States; and no tobacco, other than of the growth or production of his Majesty's said colonies, plantations, islands, or territories in *America*, or of the growth or production of the said United States of *America*, shall be so as aforesaid imported or brought into *Great Britain*, and shall not be so imported other than directly from some port or place, in his Majesty's said colonies, plantations, islands, or territories in *America*, or in the said United States of *America*, respectively, and into some one or other of the ports or places herein-after mentioned in *Great Britain*; that is to say, *London*, *Bristol*, *Liverpool*, *Lancaster*, *Chester*, *Warrington*, *Hull*, *Port Glasgow*, and *Greenock*, and no other, upon pain of forfeiture thereof, together with the cask and package containing the same: provided nevertheless, That if any tobacco of the growth or produce of the said United States of *America* shall, in the fair and lawful way of barter or traffick between the people of those states and the people of his Majesty's islands in the *West Indies*, or of his Majesty's colonies or plantations in *America*, be imported or brought from the said United States into any of the said islands or plantations, in a *British* built ship so navigated as aforesaid, it shall and may be lawful to export from the said islands in the *West Indies* the same tobacco, and to import it directly from thence into some one or other of the said respective ports herein-before enumerated in *Great Britain*, in a *British*-built ship or vessel of a burthen not less than seventy tons, and so navigated as before directed, upon the same duties, and on the same terms in every respect, as tobacco is allowed to be imported into *Great Britain* directly from some port or place in his Majesty's colonies, plantations, islands, or territories in *America*, or directly from some port or place in the said United States of *America*; provided such tobacco shall be accompanied with the like documents, and shall in every respect come under the several restrictions and regulations herein-after directed and required by this act for tobacco to be imported into *Great Britain* as aforesaid directly, either from his Majesty's said colonies, plantations, islands, or territories in *America*, or from the said United States of *America*; and provided, in the manifest or manifests,

Restrictions on importation of tobacco from America

American tobacco imported in traffick to the West India islands, may be from thence imported into Great Britain

or content or contents in writings, accompanying into *Great Britain* such tobacco so imported from the said United States as aforesaid into the said islands in the *West Indies*, or the said colonies or plantations in *North America*, and afterwards imported into *Great Britain* as aforesaid from thence, the name or names of the several and respective vessels which shall have so imported such tobacco from the said United States into those islands, colonies, or plantations respectively, and the name or names of the several and respective masters of those several and respective ships, shall be particularly set forth and specified.

No tobacco to be imported but in casks, &c. containing 450 pounds weight.

III. And be it further enacted, That no tobacco shall be so as aforesaid imported or brought into *Great Britain*, otherwise than in hogsheds, casks, chests, or cases, each hogshed, cask, chest, or case whereof shall contain four hundred and fifty pounds weight net of tobacco, at the least, not packed in bags, or in any other packages, within such hogshed, cask, chest, or case, nor separated or divided, within such hogshed, cask, chest, or case, respectively, by any package, or otherwise howsoever, upon forfeiture of all such tobacco as shall be so imported contrary to this act, together with the hogsheds, casks, chests, cases, or other package containing the same; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit treble the value of the said tobacco so forfeited as aforesaid.

Tobacco may be brought loose for the use of the seamen, &c. at the rate of five pounds each.

IV. Provided always, and it is hereby further enacted and declared, That nothing in this act shall extend, or be construed to extend to forfeit any tobacco imported or brought loose in any ship or vessel, for the use of the seamen then belonging to or on board the said ship or vessel, or for the use of the passengers on board such ship or vessel, not exceeding five pounds weight for each person.

Small quantities of tobacco, being on board a vessel without the knowledge of the master, shall not make her liable to forfeiture.

V. Provided also, and be it further enacted, That nothing in this act shall extend, or be construed to extend, to prevent evidence from being received, in any suit or information brought for the forfeiture of any vessel, for or on account of any tobacco imported or brought into *Great Britain* in such ship or vessel, in order to shew, from the smallness of the quantity of the said tobacco, and other circumstances of the case, that the said tobacco was on board such ship or vessel without the knowledge and privity of the owner, or of the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care in the discharge of the duty of such owner, master, or other person having the charge or command of such ship or vessel; and in every such case, where proof shall be made, from the smallness of the quantity of tobacco, and other circumstances, that such small quantity was on board without the knowledge, proof, or consent, either of the owner, or the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care, either in the owner, or in the master, or other person

son having the charge or command of such ship or vessel, then, and in every such case, such ship or vessel shall not be forfeited for or on account of such small quantity of tobacco.

And be it further enacted, That when any ship or vessel whatsoever shall have taken on board tobacco, at any port or place whatsoever within his Majesty's colonies, plantations, islands, or territories in *America*, in order to convey the same from thence into *Great Britain*, the collector and comptroller, and two other chief officers employed in the management of the customs, at such port or other place where such ship or vessel shall have taken on board tobacco, shall, at and upon the clearing of every such ship or vessel by the proper officers of the customs appointed for that purpose, deliver to the master, or other person having or taking the charge or command of such ship or vessel, a manifest or content in writing, under their hands and seals of office, which said manifest or content shall contain the name of the port or place where such tobacco, in such manifest or content mentioned, shall have been so taken on board, the name of the ship or vessel so taking the same on board, and the tonnage thereof, and a true account of all the tobacco to laden on board such ship or vessel, with the number of hogheads, casks, chests, and cases containing the same, and the particular weight of the tobacco contained in each particular hoghead, cask, chest, and case, together with the marks and numbers set on each and every hoghead, cask, chest, or case thereof, with the care of each particular hoghead, cask, chest, or case in which such tobacco shall be contained; which said particular weight of the tobacco and tare, respectively, shall also be marked on each and every such hoghead, cask, chest, or case respectively; and such officers as aforesaid shall also, at and upon the clearing of every such ship or vessel as aforesaid, immediately transmit a duplicate or duplicates of such manifest or content to the respective commissioners of the customs in *Great Britain*; and if any collector, comptroller, or other chief officer or officers of the customs, at any such port or place, shall, at and upon the clearing of any such ship or vessel having tobacco on board as aforesaid, neglect or refuse to deliver to the master, or other person having or taking the charge or command of any such ship or vessel, such manifest or content as is herein-before directed, or shall not as herein-before directed, transmit a duplicate or duplicates of such manifest or content to the said respective commissioners of the customs in *Great Britain* respectively as aforesaid, he or they shall respectively forfeit and lose, for every such offence, the sum of two hundred pounds; or if such collector, comptroller, or other chief officer or officers, shall knowingly deliver a false or fictitious manifest or content, or transmit a false or fictitious duplicate or duplicates of any manifest or content, contrary to the true intent and meaning of this act, he or they shall respectively forfeit and lose, for every such offence so committed, the sum of five hundred pounds; and every such collector, comptroller, or other chief officer or

Officers of the customs in *America* to deliver to the master on clearing a manifest, and transmit a duplicate to the commissioners of the customs in *Great Britain*.

Penalties on neglect of transmitting a duplicate of manifest, and on delivery or transmission of a false one.

officers, upon being duly convicted of knowingly delivering a false or fictitious manifest or content, or transmitting a false or fictitious duplicate or duplicates, as aforesaid, shall forfeit and lose his employment, and from thenceforth be rendered incapable of serving his Majesty in any place or trust whatsoever.

No tobacco of the growth of the American States to be imported without a manifest sworn to by the master of the vessel.

VII. And be it further enacted, That no tobacco of the growth or production of the United States of America, except such tobacco as shall be water-borne before the said first day of January, one thousand seven hundred and eighty-six, shall be imported or brought into Great Britain from the said United States, in any ship or vessel whatsoever, unless the master, or other person having or taking the charge or command of every ship or vessel importing such tobacco, shall have on board a manifest or manifests, or content or contents in writing, made out and signed by such master or other person, on or before the clearing of every such ship or vessel, as all and each and every of the ports or places within the said United States where such tobacco shall be laden on board, containing the name or names of the several and respective ports or places where the tobacco in such manifest or manifests, or content or contents mentioned, shall have been so respectively laden on board, the name of the ship or vessel in which the tobacco shall be so laden, and the tonnage thereof, with the several other particulars before directed and required by this act to be delivered by the collector and comptroller, or two other chief officers of his Majesty's customs, at the ports or places in his Majesty's said colonies, plantations, islands, or territories in America, to the master, or other person having or taking the charge or command of any ship or vessel cleared out from thence laden with tobacco, to be imported from thence into Great Britain as aforesaid; upon which said manifest or manifest, or content or contents in writing, so to accompany tobacco imported into Great Britain from the said United States, there shall be indorsed the oath of the master, or other person having or taking the charge or command of the ship or vessel so laden as aforesaid with tobacco in the said United States, testifying the truth thereof, and sworn to by the said master or other person, on or before the clearing as aforesaid of such ship or vessel in the said United States, before the British consul, if there shall be any one then resident at or near to the port or place where such tobacco shall be so laden, or before some magistrate or publick officer residing at or near to such place, if there be not any British consul there.

Penalty on importation of tobacco without a manifest.

VIII. And be it further enacted, That if any tobacco shall be imported or brought as aforesaid into Great Britain, in any ship or vessel whatsoever, from any port or place within his Majesty's colonies, plantations, islands, or territories in America, or from any port or place within the United States of America, without such manifest or manifests, or content or contents in writing, as before directed, all such tobacco so imported or brought into Great Britain, shall be subject and liable to the same

same duties as tobacco of the growth of the *Spanish* or *Portuguese* plantations; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

IX. And be it further enacted, That every master, or other person having or taking the charge or command of any ship or vessel, in which any tobacco shall be so imported or brought as aforesaid into any of the several and respective ports in *Great Britain* herein-before enumerated, either from any port or place within his Majesty's said colonies, plantations, islands, or territories in *America*, or from any port or place within the said United States of *America*, shall, upon demand, produce all and every such manifest or manifests, or content or contents in writing, which such master or other person is before directed and required by this act to have on board his said ship or vessel, to all and every other and officers of his Majesty's customs who shall come on board his said ship or vessel, upon the arrival of such ship or vessel as aforesaid within the limits of any such port, for his or their perusal, examination, and inspection thereof; which said several officers, to whom the same shall have been so produced, shall certify, upon the back thereof, the production of the same; and the said master, or other person so having or taking the charge or command of any such ship or vessel as aforesaid, shall not only produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival as aforesaid within any of the said ports in *Great Britain* herein before enumerated, such manifest or manifests, or content or contents in writing as aforesaid, but shall give and deliver to him or them a true copy or copies thereof (such copy or copies to be provided by and at the expence of the said master or other person); the production of which said manifest or manifests, or content or contents in writing, and the receipt of such copy or copies thereof as before directed, shall be certified by the said officer or officers of his Majesty's customs, who shall so first as aforesaid come on board the said ship or vessel, to have been so delivered as aforesaid, upon the back of the said original manifest or manifests, or content or contents in writing, with the particular day, and the time when, such officer or officers so received the same; and such officer or officers is and are hereby required, at the next custom house to the place where he or they shall have so received the said copy or copies of such manifest or manifests, or content or contents in writing as aforesaid, within twenty-four hours after the time he or they shall have so received the same, to make an entry hereof, or cause the same to be entered, in a book to be kept for that purpose at the several and respective custom houses at the said several and respective ports in *Great Britain*, where such tobacco as aforesaid is permitted to be imported and brought; and after the same shall have been so entered as aforesaid, the said officer or officers who shall have so entered, or caused the same to be entered in the said book as

Manifest to be produced to officers of the customs of the port where a ship arrives.

Copies of manifest to be given to the officer of the customs, in order to be entered at the nearest custom house.

Copy after entry to be transmitted to the commissioners of customs.

to the
officer to lock
down the
hatchways.

aforesaid, shall forthwith transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests, or content or contents in writing, to the said respective commissioners of his Majesty's customs in *Great Britain*; and such officer or officers who shall have so received such copy or copies shall, and is and are hereby required to batten and lock down the main and other hatchway and hatchways leading to the hold or place of stowage in such ship or vessel, and the master, or other person having the charge or command of such ship or vessel, shall, and is hereby required to assist, or cause to be assisted, the said officer or officers of his Majesty's customs, by a sufficient number of the crew of such ship or vessel, in the batten and locking down the said hatchway or hatchways.

Penalty on
not produc-
ing, or giving
copies of ma-
nifests to the
officers of the
customs, and
on refusal to
assist in lock-
ing down the
hatchways.

X. And be it further enacted, That if the master, or other person having or taking the charge or command of any ship or vessel in which any such tobacco shall be so imported or brought into *Great Britain* as aforesaid, shall not produce such manifest or manifests, or content or contents in writing to each and every the officer and officers of his Majesty's customs as aforesaid, upon demand thereof and also give such copy or copies thereof as aforesaid to the officer or officers of his Majesty's customs, who shall first come on board such ship or vessel upon her arrival as aforesaid, within any of the said ports in *Great Britain* herein-before enumerated, all the tobacco on board such ship or vessel shall be deemed and taken to be tobacco imported or brought into *Great Britain* without a manifest or manifests, or content or contents in writing, as before directed, and shall be subject and liable to the same duties as tobacco of the growth of the *Spanish* or *Portuguese* plantations; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds, and such master or other person, if he shall not aid and assist, or cause to be aided and assisted, the officer or officers of the customs as aforesaid, in batten and locking down the main and other hatchway and hatchways leading to the hold or place of stowage as aforesaid, such master or other person shall likewise forfeit and lose the sum of one hundred pounds.

Penalty on
officers neg-
lecting to re-
quire the pro-
duction of
manifest, &c.

XI. And be it further enacted, That if any officer or officers of his Majesty's customs shall go on board any ship or vessel, in which any tobacco shall be so imported or brought into *Great Britain* as aforesaid, and shall not demand, as aforesaid, the production of the manifest or manifests, or content or contents in writing as aforesaid; or in case, upon production thereof, such officer or officers shall not certify thereupon the production thereof as aforesaid; or if any officer or officers of his Majesty's customs, who shall first go on board such ship or vessel within the port of discharge for any such tobacco so imported or brought into *Great Britain* as aforesaid, and to whom such manifest or manifests, or content or contents in writing, shall have been so produced, and a copy or copies thereof given or delivered as aforesaid, shall neglect or omit to certify the receipt of

of such copy or copies in the manner herein-before directed, or shall not, within twenty-four hours after the time of receiving such copy or copies as aforesaid, (unless prevented by some unavoidable accident or reasonable cause) enter, or cause to be entered, such copy or copies in the book so directed to be kept for that purpose as aforesaid, or shall not transmit the said copy or copies with all convenient speed, and without loss of time, to the said respective commissioners of his Majesty's customs in *Great Britain*, as herein-before is directed, or shall neglect or omit to batten and lock down the hatchway and hatchways as aforesaid, such officer or officers shall, for each and every such offence respectively, forfeit and lose the sum of one hundred pounds.

XII. And be it further enacted, That the commissioners of his Majesty's customs in *England*, or any four or more of them for the time being, shall, and are hereby required to fix and appoint, or cause to be fixed and appointed, and from time to time continued, at each and every of the respective ports in *England* herein-after mentioned; that is to say, *London, Bristol, Liverpool, Lancaster, Cowes, Whitehaven, and Hull*, a certain place for the purpose of mooring every ship or vessel, which shall so as aforesaid come or arrive within any of those respective ports, laden with tobacco as aforesaid; from which place such respective ships or vessels shall not, on any pretence whatsoever, depart, until their respective cargoes of tobacco shall have been delivered from them in the manner herein-after mentioned, and until such ships or vessels shall be regularly cleared by the proper officer or officers of the customs for that purpose; and the commissioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, are hereby in like manner authorised and required to fix and appoint, or cause to be fixed and appointed, and from time to time continued, at each and every of the said respective ports in *Scotland* herein-after mentioned; that is to say, *Greenock or Port Glasgow*, a certain place for the purpose of mooring such ships or vessels as shall come to or arrive at any of the said respective ports in *Scotland* herein-before enumerated; from which place such respective ships or vessels shall not, on any pretence whatsoever, depart, until their respective cargoes of tobacco shall have been delivered from them in the manner herein-after mentioned, and until such ships or vessels shall have been regularly cleared by the proper officer or officers of the customs for that purpose; and if the master of any ship or vessel, having such tobacco on board as aforesaid, upon her arrival at any of the before-mentioned ports in *England* or *Scotland* respectively, shall not forthwith comply with all and every the directions, requisitions, and regulations, given, required, fixed upon, or appointed by the said respective commissioners of the customs, or any four or more of them for the time being, in *England*, or the commissioners of the customs, or any three or more of them for the time being, in *Scotland*, by virtue and in pursuance of the authority herein-before given, and the

Commissioners of customs to appoint a place for mooring ships, till their cargoes are delivered.

Penalty on noncompliance with the regulations of the commissioners of the customs.

power

power vested in such commissioners respectively, in order to secure the due payment of the duties upon the tobacco so to be imported or brought into *Great Britain*, such master, or other person having the charge or command of such ship or vessel, shall forfeit and lose the sum of fifty pounds, unless, in the judgement of the said commissioners, such master or other person shall be prevented from such compliance by means of any unforeseen or unavoidable accident.

Penalty on breaking bulk without authority from the officer of the customs, unless from necessity.

XIII. And be it further enacted, That if, after the arrival of any ship or vessel so laden with tobacco as aforesaid, within the limits of any of the ports of *Great Britain*, or within four leagues of the coast thereof, bulk shall be broken, or any part of the cargo of such ship or vessel shall be unladed or unshipped, with intention to be laid on land, or unshipped for any other purpose whatsoever, out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the place appointed for her discharge, as before directed, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same (unless in case of unavoidable necessity and distress of weather, or other unavoidable accident, necessity, or distress; of which necessity and distress, or other unavoidable accident, the master, or other person having or taking the charge or command of such ship or vessel, shall give notice; and the said master, or other person having or taking the charge or command of such ship or vessel, together with two or more of the mariners on board such ship or vessel, shall make proof upon oath, before the collector, or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector, or other chief officer of the first port in *Great Britain* within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity, or distress, shall have happened not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector, or other chief officer, is hereby authorized and required to administer), every such ship or vessel, together with her cargo, and all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and the said master, or other person having or taking the charge or command of such ship, shall forfeit and lose the sum of one hundred pounds; or if the fastenings or locks to the hatchway or hatchways on board any such ship or vessel, or any of them, after having been so battened and locked down as aforesaid by any officer or officers of his Majesty's customs as aforesaid, shall be broken before the said ship's arrival at her moorings as aforesaid, or before the same shall have been opened under the authority of the proper officer or officers of the customs as aforesaid, unless upon the like proof as before-mentioned of the unavoidable necessity thereof, made in the manner before directed in case of bulk being broken, or any part of the cargo unladed or unshipped as aforesaid, the master, or other person having or taking the charge

Penalty on unfastening locks without authority.

or

or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

XIV. And be it further enacted, That the master, or other person having or taking the charge or command of any ship or vessel, in which such tobacco shall be so imported or brought as aforesaid into *Great Britain*, shall, on or before the arrival of such ship or vessel at her moorings as aforesaid, at any one of the said respective ports in *Great Britain* herein-before enumerated, make a just and true entry, upon oath, of the burthen, contents, and lading, of such ship or vessel, with the particular marks, numbers, qualities, and contents, of every parcel of goods then laden on board such ship or vessel, to the best of his knowledge and belief, and do and perform every act and thing in relation thereto, before the collector, collector, or other chief officer of the customs of the said port, openly in the custom house at the same port, in the manner and as directed and required by an act passed in the first year of the reign of her late majesty Queen Elizabeth, intituled, *An act for limiting the times for laying on land merchandize from beyond the seas, and touching customs for sweet wines*; and by an act passed in the thirteenth and fourteenth years of the reign of his late majesty King Charles the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, under the penalty of the forfeiture of one hundred pounds; and the said master or other person shall, at the time that he so makes his report or said entry upon oath of his ship at the custom house as aforesaid, deliver to the collector or other chief officer of the customs at the said port, the manifest or manifests, or content or contents in writing, as before directed to accompany such respective cargoes, and to be on board every ship or vessel in which tobacco shall be so imported or brought as aforesaid into *Great Britain*; and if the said master, or other person having or taking the charge or command of any such ship or vessel, shall omit, neglect, or refuse, to deliver such manifest or manifests, or content or contents in writing as aforesaid, to the said collector or other chief officer of the customs, at the time he so makes his said report or entry upon oath of his ship at the custom house as aforesaid, every such master, or other person so having or taking the charge or command of such ship or vessel shall, for every such offence, forfeit and lose the sum one of hundred pounds.

XV. And be it further enacted, That all and every importer or importers, proprietor or proprietors, consignee or consignees, of any tobacco imported or brought into *Great Britain* as aforesaid, shall severally and respectively, within ten days, if the whole or the major part of the lading of the ship or vessel in which the same shall be so imported or brought be tobacco, or within fifteen days, if the major part of the lading of such ship or vessel shall consist of other goods, and not of tobacco, after the master, or other person having or taking the charge or command of such ship or vessel, shall have or ought to have made his report or said entry upon oath of his ship, in manner

Master of vessel to make an entry upon oath of the burthen, contents, etc. thereof, before the chief officer of the customs at the port agreeable to act 1 Eliz. c. 11; and act 13 and 14 Car. 2. c. 11; on penalty of 100l.; and to deliver his manifest, under like penalty for neglect.

Importers of tobacco to make entry within a limited time after arrival at any port in Great Britain of the quantity, etc.

manner herein-before directed, make, in the usual and accustomed manner, with the collector or other chief officer of the customs at the port in *Great Britain* where the said ship or vessel shall arrive so laden in the whole or in part with tobacco as aforesaid, a due entry in writing of all the tobacco so by them, and each and every of them, respectively imported in such ship or vessel, or of which they, and each and every of them, are the importers, proprietors, and consignees, respectively, agreeably to the several and respective marks, numbers, and contents, as specified in the manifest or manifests, content or contents in writing, relative to such respective tobacco, and also agreeably to the particulars set forth in the said report, or said entry upon oath, of the master, or other person having or taking the charge or command of the ship or vessel in which such tobacco shall be so as aforesaid respectively imported or brought into *Great Britain*; and the said respective importer or importers, proprietor or proprietors, or consignee or consignees, immediately after they have respectively so duly entered their said tobacco as aforesaid, with the said collector or other chief officer of the customs as aforesaid, provided he or they do not respectively forthwith pay into the hands of the collector, or other chief officer of the customs, the several subsidies, customs, duties, and imposts, due and payable for the said tobacco, shall, and are hereby directed and required, severally and respectively, to become bound unto his Majesty, his heirs and successors, in one or more bond or bonds, in the penalty of double the amount of the duties upon the tobacco so entered as aforesaid, for payment of the said subsidies, customs, duties, and imposts, within eighteen months, to commence at and from the expiration of twenty days after the report or said entry upon oath of the master, or other person having or taking the charge or command of the ship or vessel in which such tobacco shall be so imported or brought as aforesaid, or to commence from the said entry of such tobacco respectively, by the several and respective importers, proprietors, or consignees thereof as aforesaid, within those twenty days, which ever period of time shall first happen; which bond or bonds shall not be given up, cancelled, or discharged, but upon payment of the respective duties by such bond or bonds so secured to be paid, or upon the due exportation of the tobacco, for the payment of the duties upon which such bond or bonds are respectively given, under the restrictions and regulations herein-after directed.

XVI. And be it further enacted, That all tobacco which shall from time to time be so imported as aforesaid into *Great Britain*, shall, upon being landed, be forthwith carried and conveyed to, and having been examined, weighed, and dealt with in the manner herein-after directed, be forthwith deposited or lodged in, and secured at such particular warehouse or warehouses as shall be fixed upon, and from time to time appointed for that purpose, at the said several ports herein-before enumerated, within *Great Britain*, by the said commissioners of the customs,

and if duties are not forthwith paid, to give bond for payment.

Tabacco imported to be deposited in warehouses to be fixed upon by the commissioners of the customs.

1773.] ~~AN ACT FOR THE BETTER REGULATING THE CUSTOMS OF THE KINGDOM OF GREAT BRITAIN~~
customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively; and to which said respective warehouses, and no other, tobacco, upon being so landed as aforesaid, shall be carried or conveyed as aforesaid, under the guard and especial care of such officer or officers of the customs as shall from time to time be fixed upon and appointed for that purpose, under the authority of the said commissioners of the customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively.

XVII. And be it further enacted, That the said commissioners of the customs, or any four or more of them for the time being in *England*, and the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively, are hereby authorized and empowered, out of any of the subsidies, customs, duties, or imposts, paid by virtue or in pursuance of any act or acts of parliament now in force, upon the importation of tobacco into *Great Britain*, to provide from time to time, as they shall deem requisite and necessary for the publick service, and for the service of revenue, a warehouse or warehouses at each and every of the said respective enumerated ports; in which warehouse or warehouses, and no other, all such tobacco, so as aforesaid imported or brought into *Great Britain*, shall be so deposited, or lodged and secured as aforesaid.

Commissioners to provide warehouses out of duties on tobacco.

XVIII. And be it further enacted, That the landing waiters appointed for the delivery of every ship or vessel so arriving as aforesaid at any of the several ports in *Great Britain* herein-before enumerated, from any port or place within his said Majesty's colonies, plantations, islands, or territories, in *America*, or from the said United States of *America*, having tobacco on board, shall, upon being so appointed to such ship or vessel as aforesaid, apply in the usual manner to the collector of the customs at such port for the usual entry or entries made of such tobacco, or warrant or warrants of entry, ascertaining the duties upon such tobacco either to have been paid or secured, and for the manifest or manifests, or content or contents in writing, accompanying the said tobacco, (who is hereby required and directed to deliver the same to such landing waiters); and such landing waiters are hereby directed and required not to suffer any part of the tobacco on board such ship or vessel to be landed until they have, from and agreeably to the manifest or manifests, or content or contents in writing, so delivered to them by the said collector, entered into their respective books (given to them by the directions of the commissioners of his Majesty's customs, for keeping accounts of goods by them delivered, or suffered to be delivered, from on board such ships) the several and respective entries so made as aforesaid, and the several and respective marks, numbers, weights, taxes, and contents, of the several hogheads, casks,

Landing waiters to apply to the collectors for the entries of imported tobacco, and not to suffer any to be landed till they have entered the particulars in their books, on penalty of 50*l*.

Landing waiters to give the usual permit to the officers on board for the delivery of any tobacco.

Regulations for delivery.

and for conveying the packages to the warehouses.

Landing waiters to fix landing marks on each case, etc. and enter the same in their books, on penalty of 30s.

casks, chests, and cases, as described and set forth in the manifest or manifests, or content or contents in writing, so directed as aforesaid, under the penalty of the forfeiture of fifty pounds; and the said landing waiters are hereby directed and required to give or deliver to such officer or officers of his Majesty's customs as shall be appointed for that purpose by the said commissioners of his Majesty's customs, or any four or more of them, in *England*, for the time being, or the commissioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, respectively, the usual and accustomed order or orders to the officers stationed on board such ship or vessel, permitting them to suffer such particular hogheads or other packages of tobacco on board such ship or vessel, particularly described in such said order or orders, to be delivered from on board such ship or vessel, in the usual and accustomed manner; and such officer or officers of his Majesty's customs, to whom such order or orders shall be so delivered as aforesaid, from such landing waiters as aforesaid, shall forthwith repair on board such ship or vessel, and in the presence of the officers then stationed on board, and in the presence likewise of the master or other person having or taking the charge or command of such ship or vessel, if such master or other person be then on board, and thinks proper or chuses to attend, upon being acquainted therewith by the said officer or officers, open the main and other hatchway and hatchways leading to the hold or place of stowage as aforesaid in such ship or vessel, and bring, or cause to be brought, upon the deck of such ship or vessel, the several hogheads or other packages of tobacco on board such ship or vessel, particularly mentioned and described in such order or orders so delivered to them as aforesaid by the landing waiters, and affix, or cause to be affixed, to each and every such hoghead, cask, chest, or case of tobacco, such mark or impression as the said commissioners of the customs for the time being, in *Great Britain*, respectively, shall direct for that purpose, with the progressive number to each and every such hoghead, cask, chest, or case; and after the said several hogheads, casks, chests, and cases of tobacco have had such mark or impression so affixed to them respectively as aforesaid, the same is and are hereby directed and required to be unshipped into proper craft, and sent up under proper guards, and landed in the usual manner, and at the usual places, and to be conducted forthwith under proper guard, and the care of such officers as the said respective commissioners of his Majesty's customs in *Great Britain* shall respectively appoint for that purpose, to the respective warehouse or warehouses in which the same tobacco is to be so deposited; or lodged in and secured as aforesaid; and the said landing waiters so appointed as aforesaid to such respective ship or vessel, shall, and are hereby required, upon the respective hogheads, casks, chests, or cases of tobacco being so brought as aforesaid to the said respective warehouse or warehouses, and at or near the same, to cause the usual and accustomed landing marks, or such

such other landing marks as shall be from time to time directed by the said respective commissioners of the customs in Great Britain as aforesaid, to be fixed and set upon every hoghead, cask, chest, or case whatsoever, containing such tobacco so landed as aforesaid; and the said landing waiters are hereby also required to enter such landing marks in their several and respective books so given to them as aforesaid from the said respective commissioners of the customs, upon pain of forfeiting the sum of fifty pounds each; and the said landing waiters at or near to the said warehouse or warehouses are then to weigh, or cause to be weighed, the said several and respective hogheads, casks, chests, or cases, and to insert as usual the several and respective weights in their said respective books; and, in order to prevent disputes between the officers who shall attend the weighing of such tobacco as aforesaid, and the importers, proprietors or consignees in regard to the justice of the weights to be taken, it is hereby directed, that the weights shall be as minutely and correctly taken as possible, giving the turn of the scale in favour of the crown; but in lieu thereof, and that the merchant may not be aggrieved, the said officers of the customs are hereby authorised and required to allow to the merchant two pounds weight avoirdupois upon every hoghead, cask, chest, or case so respectively weighed; which mode, in regard to the turn of the scale, is hereby directed and required to be observed particularly, and followed in weighing tobacco for exportation to foreign parts, or on delivery thereof for home trade, as herein-after mentioned.

Landing waiters to weigh the tobacco.

Allowance in lieu of the turn of the scale.

XIX. And be it further enacted, That after the said hogheads, casks, chests, or cases, have been so weighed as aforesaid, the several importers, proprietors, or consignees, or their agents, shall be permitted, in the presence of the said respective landing waiters, to draw or take, for the purpose of sample only, out of each hoghead, cask, chest, or case, so weighed as aforesaid, as much tobacco as they shall respectively require, not exceeding four pounds weight; which said tobacco, so taken as aforesaid by way of sample, shall be returned by the said importers, proprietors, or consignees, respectively, to be weighed together with the respective hoghead, cask, chest, or case, out of which such sample tobacco hath been so taken as aforesaid, upon the re-weighing thereof respectively, either for exportation or for home trade.

Samples may be taken of tobacco which has been weighed, but must be returned.

XX. And be it further enacted, That if it shall be found necessary by the said merchants to take a second sample of tobacco, it shall be lawful for them so to do, provided, at the time of taking it, the first be returned and put into the respective hoghead, cask, chest, or case, out of which it was taken, and provided such second sample be taken in the presence of the officer or officers of the customs in whose custody the tobacco shall then be, and provided such second sample shall not exceed four pounds weight; which said second sample is hereby directed and

A second sample may be taken under the same restrictions, on return of the first sample.

required to be returned in order to be weighed, either for exportation or home trade as aforesaid.

Landing waiters to furnish the warehouse keepers with copies of the entries, etc

XXI. And be it further enacted, That the landing waiters, before they proceed to weigh any of the tobacco so landed as aforesaid, shall furnish the officer or officers of the customs, who shall be appointed to the care of the respective warehouses or warehouses in which the said tobacco is to be so lodged as aforesaid, and in whose custody such tobacco is to be so deposited as aforesaid, with a copy of the several and respective entries, or warrants of entry, for such respective tobacco, and each and every day after they have so weighed any of the same tobacco, likewise furnish such officer or officers with the landing numbers and weights of each respective hoghead, cask, chest, or case, so respectively weighed on that day, which the said warehouse officer or officers are hereby directed to enter, or cause to be entered, in proper books to be kept for that purpose, and as soon as the whole cargo of tobacco of any one respective ship shall have been so landed, weighed, and deposited in such warehouse or warehouses respectively as aforesaid, the landing waiters appointed to such ship or vessel shall forthwith furnish the said warehouse officer or officers with one of their said books so kept as aforesaid by him or them for the same ship, and the said warehouse officer or officers, after comparing the same with the accounts kept by him or them from the materials with which he or they shall have been so furnished daily as aforesaid by the said landing waiters, sign the same book so left with them as aforesaid by the said landing waiters, if the said account of the said warehouse officer or officers shall be found in every respect to correspond therewith, and, after so signing it, return the same to the same landing waiters.

and with a cheque book when the whole cargo is deposited, which after examination is to be returned signed to the landing waiter.

Landing waiters after the landing, etc. of the cargo, to deliver to the merchant an account of the marks and weights of the hoghead, etc

XXII. And be it further enacted, That the said landing waiters shall, so soon as conveniently may be after the whole cargo of tobacco of any one respective ship or vessel shall have been so landed, weighed, and deposited in such warehouse or warehouses respectively as aforesaid, deliver, without fee or reward, to each merchant having tobacco on board such respective ship or vessel, if required, an account from their said books of the particular marks and numbers upon the several hogheads, casks, chests, or cases, containing such merchant's tobacco, respectively, with the particular weights of each such hoghead, cask, chest, or case, and the particulars of the damage cut off and separated from the tobacco in each such several and respective hogheads, casks, chests, or cases.

Damaged tobacco to be burnt, if the duty is refused to be paid.

XXIII. And be it further enacted, That no allowance either at the scale, or otherwise, shall be made to the importer or importers, proprietor or proprietors, or consignee or consignees, for or in consideration of any such tobacco so imported or brought into *Great Britain* being damaged or mean, but in case any merchant or other person shall refuse to enter, and pay or secure the duties aforesaid for such tobacco, then he or they shall

shall have liberty to refuse the same, or to separate such damaged tobacco, by cutting off from the hoghead or other package so much thereof, as he or they shall refuse to pay duty for; and the principal officers of his Majesty's customs, or any three or more of them, shall cause all such tobacco to be burnt or destroyed, without making any allowance to such importer, proprietor, or consignee, for freight or other charges, other than the allowances hereafter in this Act provided; any law or custom to the contrary notwithstanding.

XXIV. Provided always, and it is hereby enacted and declared, That it shall not be lawful for any merchant or other person, nor shall they have liberty, to separate the stalk from the leaf, on pretence that the same is damaged or mean tobacco.

The stalk not to be separated from the leaf.

XXV. Provided also, and be it further enacted, That in case any tobacco so imported or brought into *Great Britain* as aforesaid shall happen to receive damage on board any ship or vessel, by stress of weather at sea, or any damage by any such ship or vessel being forced on shore in any part of *Great Britain*, or if any unforeseen accident shall happen, after the arrival of any ship or vessel within the port for discharging her tobacco in *Great Britain*, by the ship's bulging on an anchor, or by the lighter into which the tobacco is put in order to be laid on land, or by any such like accident, whereby such tobacco shall receive damage, it shall and may be lawful to and for the commissioners or collectors, or other chief officers of his Majesty's customs, to allow and pay to the importer, proprietor, or consignee, at the rate of one halfpenny for every pound of such tobacco for which the importer, proprietor, or consignee, shall refuse to pay or secure the full duties, and which shall be cut off or separated from the sound tobacco, in order to be burnt, or otherwise publickly destroyed, by the officers of his Majesty's customs, so as such allowance shall not exceed thirty shillings for all the tobacco damaged in any one single hoghead, cask, chest, or case imported; any thing herein contained to the contrary notwithstanding.

Allowance for tobacco actually damaged on ship-board, etc.

XXVI. Provided nevertheless, and it is hereby declared and enacted, That if, upon the landing and examination of any unmanufactured tobacco so imported into *Great Britain* as aforesaid, it shall appear that the tobacco in any of the hogheads, casks, chests, or cases containing the same, is so much damaged, that by cutting off the damaged part thereof (for which no duty is to be paid) the sound tobacco remaining in any of such hogheads, casks, chests, or cases (for which duty is to be paid) is under the weight of four hundred and fifty pounds, then, and in such case, it shall and may be lawful for the importer or importers, proprietor or proprietors, or consignee or consignees thereof, in the presence of the landing waiters appointed to deliver the ship in which the same was imported, to cause all such sound tobacco to be put together into one or more of the same hogheads, casks, chests, or cases, out of which the damaged

Regulations for repacking and exporting the sound part of damaged tobacco.

tobacco was taken; and the said landing waiters, or other proper officers, are hereby directed and required to enter into their respective books the true and exact weight of all such pound tobacco put into each and every such hoghead, cask, chest, or case, with the several and respective marks and numbers set on each and every such hoghead, cask, chest, or case, and also to note and specify in their books that such hogheads, casks, chests, or cases were packed and re-filled in their presence; and all and every such hogheads, casks, chests, or cases, of unmanufactured tobacco, shall and may be exported from the warehouse or warehouses into which the same shall have been so respectively lodged or deposited, and secured as aforesaid, provided the quantity of the tobacco in each such hoghead, cask, chest, or case, shall amount to four hundred and twenty-five pounds weight, or more, in the same manner and form, to all intents and purposes, as if the package of such tobacco had not been altered; any thing herein-before contained to the contrary notwithstanding.

Regulations
on entry of
tobacco for
exportation.

XXVII. And be it further enacted, That all and every person and persons who shall enter, at any of the several ports in *Great Britain* herein-before enumerated, any such tobacco, in order to be shipped and exported, in any ship or vessel whatsoever, to any part or parts beyond the seas, shall, at or near to the warehouse or warehouses in which such tobacco shall have been so as aforesaid lodged or deposited, and secured as aforesaid, and before the same, or any part thereof, is finally discharged from the custody of the officer or officers of the said respective warehouse or warehouses, in order to be laden on board any ship or vessel to be so exported, indorse upon the cocquet and bill to be delivered to the searcher or searchers belonging to the customs, and appointed to examine tobacco shipped for exportation, in a fair, distinct, and legible manner, the plantation or manifeit mark and number which was upon each and every such hoghead, cask, chest, or case of tobacco, at the time when the same was first imported into *Great Britain*, and also the landing marks and numbers which were placed and set upon each and every such hoghead, cask, chest, or case thereof, when the same was first landed in *Great Britain*, together with the exact weight of the tobacco contained in each and every such hoghead, cask, chest, or case, at the time of its being landed in *Great Britain*; and likewise indorse upon the same cocquet and bill, after weighing, in the presence of the officer or officers of the customs appointed to that business by the respective commissioners of the customs in *Great Britain* for the time being respectively, the tobacco so entered for exportation, the then weight of the tobacco contained in each particular hoghead, cask, chest, or case at the time it is so weighed for exportation; and the searcher or searchers shall not admit any cocquet unless marked as aforesaid; and all and every exporter and exporters of tobacco shall also write off, and they are hereby required and directed to write off the weight of each hoghead,

head, cask, chest, or case of unmanufactured tobacco by him, her, or them exported from any port as aforesaid of *Great Britain*, to any part or parts beyond the seas, from the identical and particular entry made of each and every such hoghead, cask, chest, or case of such unmanufactured tobacco, at the time when it was first imported into *Great Britain*; and if any person or persons whatsoever, who shall enter outwards for exportation, to any part or parts beyond the seas, from any port or place in *Great Britain*, any such unmanufactured tobacco, shall neglect or refuse to indorse upon the cocket and bill for the said tobacco, delivered to the searchers, in a fair, distinct, and legible manner, all and each and every of the several and respective marks, numbers, and weights herein-before mentioned and described, and in the manner and form the same is hereby required and directed to be done, or who shall neglect or refuse to write off the weight of each and every hoghead, cask, chest, or case of unmanufactured tobacco by him, her, or them exported, from the identical entry made thereof, at the time when the same was first imported into *Great Britain*, agreeable to the directions herein-before given for that purpose; all and each and every such person or persons, so offending in either one or other of those particulars, shall forfeit and lose the sum of five pounds for every hoghead, cask, chest, or case of such unmanufactured tobacco not indorsed upon the said cocket and bill as aforesaid, or the weight of which shall not be so respectively written off in manner herein before directed; any law, statute, or usage to the contrary in anywise notwithstanding.

Penalty on neglect.

XXVIII. Provided always, and be it enacted, That if any importer or proprietor of tobacco, that hath given security as aforesaid for the payment of the said duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated, upon such bond or bonds, so much as the discount, at the rate of seven pounds *per centum per annum*, shall amount to in proportion to the time unexpired.

Discount to be allowed on payment of bonds before they become due.

XXIX. And be it further enacted, That no debenture shall be made forth for any tobacco to be imported as aforesaid into *Great Britain*, or any drawback be paid or allowed for the same, when exported, or entered outwards for exportation, to any part or parts beyond the seas, unless the same, and every part thereof, be shipped and exported from the very same port or place at which such identical tobacco was originally imported into *Great Britain*, and no other; and unless the same identical tobacco, if unmanufactured, and every part thereof, be shipped and exported in the original package, with the same marks and with which it was at first imported into *Great Britain*, together with the landing mark herein-before required to be placed and set thereupon, and no other, without any alteration whatsoever being made in the package (except such as shall be occasioned by necessary coo- perage for the repairs of the said package), or any other tobacco being put therein, or any part

No manufactured tobacco to be exported, but in the same packages, and from the same port where it was originally imported.

of the tobacco being removed or taken out of the package in which it was at first imported, (except such tobacco as shall have been so taken out for sample as before allowed, and directed to be so returned into such original package for exportation as aforesaid; and if any person or persons whatsoever shall enter any tobacco for exportation at any other port or place than that at which the same identical tobacco was imported, or in any other cask or package (if unmanufactured tobacco) than the same in which it was originally imported, or without the same marks, and the said landing marks, all such tobacco shall be forfeited, and no drawback shall be paid thereupon; or if any be paid, the same shall be repaid, and the person who entered, or caused the same to be entered, shall forfeit the sum of two hundred pounds; and whosoever shall knowingly export beyond the seas any hoghead, or other package of tobacco, contrary to the true intent and meaning of this act, he, she, or they, so offending, shall forfeit and lose the sum of twenty pounds for every such hoghead, or other package of tobacco so exported.

Penalty.

Before tobacco is taken out of any warehouse, the bonded duties to be paid, and the vouchers thereof to be deposited with the warehouse keeper.

XXX. And be it further enacted, That when any such tobacco, so warehoused as aforesaid, shall be intended to be taken out of any such respective warehouse or warehouses, for home trade, the person or persons who shall intend to take the same out of such warehouse or warehouses, whether such person or persons be the original importer or importers, proprietor or proprietors, or consignee or consignees thereof, or the purchaser or purchasers of such tobacco from such importer or importers, proprietor or proprietors, or consignee or consignees, shall, before such tobacco is taken out of such respective warehouse or warehouses, pay down in ready money, to the collector or other chief officer of his Majesty's customs, at the respective port where such tobacco shall to be warehoused, the duties secured by bond or bonds, in manner before directed, for such respective tobacco, and shall produce to, and leave and deposit with, the officer or officers in whose custody such tobacco shall then be, a clear, distinct, and proper voucher or vouchers, from the collector or other chief officer of the customs (which said officer is hereby directed and required to grant the same, without fee or reward, to the person or persons who shall have to as aforesaid paid the duties for such tobacco, on his application to such officer for the same) directed to such officer or officers of the customs in whose custody such tobacco shall then be, ascertaining the duties to have been paid for such respective tobacco; and the said collector, or other chief officer of the customs, together with his comptroller, shall also, and is hereby directed and required, without fee or reward, to grant to such person or persons, who shall have to paid the duties as aforesaid, a certificate or certificates that the duties for such tobacco have been so paid, describing therein by whom such duties were paid, and the time when, and in what ship or vessel, or ships or vessels, the same, and every part thereof, was respectively imported, and

Certificate of payment of duties to be given without fee.

also the marks and numbers of the identical hogſhead or hogſheads, casks, cheſts, or caſes, in which ſuch tobacco ſhall be contained, and deſcribing alſo the name or names of the perſon or perſons to whom ſuch tobacco ſhall be ſo ſent, and the place or places of his or their abode reſpectively, on pain of forfeiting the ſum of one hundred pounds for every ſuch offence; and the ſaid warehouse officer or officers is and are hereby directed and required to deliver all the tobacco for which the duties ſhall have been ſo paid, to the perſon or perſons ſo producing ſuch voucher or vouchers, and certificate or certificates as aforeſaid; and the ſame warehouse officer or officers is and are hereby directed and required to enter, in the books ſo to be kept by him or them as aforeſaid, the particulars of ſuch voucher or vouchers, and certificate or certificates as aforeſaid, ſo as in ſuch books clearly to ſhew, and particularly deſcribe, the diſcharge of ſuch reſpective tobacco from his or their cuſtody.

Warehouse
keeper to de-
liver tobacco
on certificate,
and to enter
the ſame.

XXXI. And be it further enacted, That no tobacco unmanufactured ſhall be removed, carried, or conveyed, by land or by water, from any port or place of importation as aforeſaid, within *Great Britain*, to any other port or place whatſoever, within *Great Britain*, or ſhall be removed from any one place within or without ſuch port or place of importation, to any other place within or without the ſame port or place, without a certificate from the collector, or other chief officer of the cuſtoms, and the comptroller as aforeſaid, and in the original package in which it was imported, preſerving the ſame marks and numbers, under the penalty of the forfeiture of all ſuch tobacco as ſhall be ſo carried or removed without ſuch certificate, and the package containing the ſame as aforeſaid, and alſo the horſes and cattle, and carts, waggonſ, and other carriages whatſoever, employed or any way made uſe of in the removing, carriage, or conveyance of the ſame.

No unmanufactured tobacco to be removed from place to place without certificate, and in the original packages.

Penalty.

XXXII. And be it further enacted, That before any unmanufactured tobacco ſhall be removed, carried or conveyed, by land or by water, as aforeſaid, the proprietor, factor, or agent thereof ſhall deſcribe and intert. on the back of ſuch certificate, in a ſar and legible manner, the name of each particular package in which ſuch tobacco is contained, together with the particular marks and numbers ſet on each package, and alſo the true and exact weight of the tobacco contained in each particular package, and the place from whence the ſame is to be delivered, and to which the ſame is to be carried and conveyed, and by whom, and the name of the perſon to whom, the tobacco is conſigned; and ſuch proprietor, factor, or agent, ſhall ſubſcribe his, her, or their name or names, and make oath to the truth thereof; and the certificate ſo granted, if going by land, ſhall expreſs the number of days it ſhall continue in force, and ſhall accompany the tobacco to ſuch place to which the ſame is to be carried and conveyed; and upon its coming to ſuch place, the perſon or perſons receiving the ſame, or to whom the tobacco

Regulations
for removal
of tobacco
from place to
place.

tobacco belongs, shall cause ſuch certificate to be delivered to the chief officer of the cuſtoms, if any ſuch there be; and in caſe there be no officer of the cuſtoms, then to the officer of exciſe of the diviſion whereunto ſuch goods are carried and conveyed; and ſuch officer is hereby directed to examine the ſame with the goods, and if they agree therewith, the tobacco may be taken away and diſpoſed of by the perſon or perſons to whom of right they belong or appertain, and ſuch officer is thereupon to enter ſuch certificate diſtinctly in a book by him to be kept for that purpoſe; and the officer of the cuſtoms or exciſe receiving ſuch certificate ſhall from time to time tranſmit the ſame to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treaſurer, or commiſſioners of the treaſury, for keeping ſuch accounts.

Regulations
to be obſerved
when any im-
ported to-
bacco is in-
tended to be
manufac-
tured.

XXXIII. And be it further enacted, That all and every perſon and perſons who ſhall import any tobacco into *Great Britain*, from any of his Maſteſty's colonies, plantations, iſlands, or territories in *America*, or from the United States of *America*, and who ſhall in anywiſe manufacture the ſame, or any part thereof, upon his, her, or their own account or accounts, or cauſe or procure the ſame, or any part thereof, to be manufactured for his, her, or their own account or accounts, by any other perſon or perſons, ſhall (before the ſame, or any part thereof, be manufactured by the importer or importers, or by any other perſon or perſons employed by the importer or importers, to be manufactured for the account of ſuch importer or importers) deliver, and they are hereby directed and required to deliver, to the collector or other chief officer of the cuſtoms at the place or port where ſuch tobacco was imported, an account in writing, containing the plantation or manifeſt mark and number of every hogſhead, caſk, cheſt, or caſe of tobacco intended to be manufactured, with the name of the ſhip or ſhips in which the ſame was or were imported, and the time when, and alſo the landing mark and number ſet on each hogſhead, caſk, cheſt, or caſe, at the time of their importation into *Great Britain*, and alſo the exact weight of the tobacco contained in each and every ſuch hogſhead, caſk, cheſt, or caſe, at the time of their being firſt landed in *Great Britain*, and the exact weight the ſame were, at the time of the delivery thereof to be manufactured; which account ſhall be ſigned by ſuch importer or importers, or one of his, her, or their known ſervants or agents, and alſo by ſuch perſon or perſons to whom ſuch tobacco is delivered to be manufactured, or one of his, her, or their known ſervants or agents, with their ſeveral and reſpective names and places of abode; and ſuch importer and importers ſhall, at the time of their delivering in ſuch accounts as aforeſaid, write off from the entries made at the time and times the tobacco contained in ſuch account was imported, and againſt each and every particular ſhip in which the ſame was imported, the weight of each particular hogſhead, caſk, cheſt, or caſe, contained in ſuch account, of tobacco intended to be manufactured

as aforesaid, in the very same manner and form as if the said tobacco had been delivered for exportation; and in case any importer or importers of tobacco shall neglect to give in such account as aforesaid, at the time, and in such manner and form, in all respects, to all intents and purposes, as is herein-before directed and required, or in case such account shall, at the time the same is given in, or at any time afterwards, appear to be false and fraudulent in any respect whatsoever, he, she, or they, knowingly offending in any or either of the cases aforesaid, shall forfeit and lose the sum of thirty pounds for every hoghead, cask, chest, or case of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account shall knowingly be given; and the person or persons to whom such tobacco shall have been delivered to be manufactured, neglecting by him, her, or themselves, or by his, her, or their known servant or agent, to sign such account as aforesaid, or knowingly signing any fraudulent account, shall also forfeit and lose the sum of thirty pounds for every such hoghead, or other package of tobacco, or which go account, or for which a fraudulent account, is knowingly given.

Penalties
neglect of
giving in
account of
quantity,
to be man-
ufactured, or
fraudulent
account there

XXXIV. And be it further enacted, That all and every person and persons who shall import any tobacco into *Great Britain*, from any of his Majesty's colonies, plantations, islands, or territories in *America*, or in the United States of *America*, who shall sell the same, or any part thereof, to any person or persons whatsoever, shall, within three days after the delivery thereof out of his custody to the purchaser or purchasers thereof, or their order, give and deliver to the collector, or other chief officer of the customs, at the port or place where such tobacco was imported, an account in writing, containing the plantation or manifest mark and number of every hoghead, cask, chest, or case of tobacco, to sold or delivered, with the name of the ship or ships in which the same was imported, and the times when, and also the landing mark and number set on each hoghead, cask, chest, or case, at the time of their importation into *Great Britain*, and also the exact weight thereof at the time of their sale or delivery to the purchaser or purchasers thereof, which account shall be signed by such importer, or one of his, her, or their known servants or agents, and also by such person or persons to whom such tobacco is sold or delivered, or one of his, her, or their known servants or agents with their several and respective names and places of abode; and such importer and importers shall, at the time of their delivering in such accounts as aforesaid, write off from the entries made at the time and times the tobacco contained in such account was imported, and against each and every particular ship in which the same was imported, the weight of each particular hoghead, cask, chest, or case of tobacco contained in such account, in the same manner and form as if the said tobacco had been delivered for exportation; and in case any importer or importers of tobacco shall neglect to give in such account as aforesaid, at the time,

When an im-
porter sells
tobacco, the
same regula-
tions with re-
spect to de-
livery of ac-
counts there-
to be observe
as on expo-
rtation, unde
the same pe-
nalties.

and in such manner and form, in all respects, to all intents and purposes, as herein-before directed and required, or in case such account shall, at the time the same is given in, or at any time afterwards, appear to be false or fraudulent, in any respect whatsoever, he, she, or they, knowingly offending in any or either of the cases aforesaid, shall forfeit and lose the sum of thirty pounds for every hoghead or other package of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account shall be knowingly given; and the person or persons to whom or to whose order such tobacco shall have been sold or delivered, neglecting, by him, her, or themselves, or his, her, or their known servant or agent, to sign such account as aforesaid, or knowingly signing any fraudulent account, shall also forfeit and lose the sum of thirty pounds for every such hoghead, cask, chest, or case of tobacco, of which no account, or for which a fraudulent account, is knowingly given.

second purchaser of unmanufactured tobacco in hogheads entitled to the certificate on removal as the first purchaser.

XXXV. And be it further enacted, That the second purchaser of any entire hoghead of unmanufactured tobacco shall and may be entitled to the benefit of a certificate on the removal of any such tobacco, or of any stalks shipped, or any snuff or manufactured tobacco made therefrom, by land or by water, in like manner as certificates by this act are directed to be granted to the first purchaser from the importer; and that in all such certificates, so to be granted to such second purchaser of any entire hoghead or hogheads of such tobacco, the name of the importer or importers, seller or sellers thereof, may be omitted; provided that the seller to such second purchaser shall have delivered to the collector or other chief officer of the port where such tobacco shall have been imported, such and the like account as the importer or importers thereof are by this act required to give.

manufactured tobacco above six pounds weight, removed without certificate the duties having been paid, is forfeited.

XXXVI. And be it further enacted, That no manufactured tobacco, or tobacco stalks, exceeding six pounds weight, or snuff, exceeding six pounds weight, shall, in any form or manner whatsoever, be removed, carried, or conveyed, by land, or by water, from any port or place whatsoever in *Great Britain*, to any other port or place in *Great Britain*, or from any place whatsoever within the same port or place, to any other place within the same unless in the manner herein-after mentioned; (that is to say), if it be tobacco stalks, or snuff, or other manufactured tobacco, which is to be carried by land or by water as aforesaid, the same shall not be removed, carried, or conveyed, without a certificate or certificates, and oath of the importer (in case the importer applies for the same) being first had and obtained as aforesaid, that such stalks were stripped or separated from, or such snuff or other manufactured tobacco was made from, one or more hoghead or hogheads of tobacco for which the duties were by him paid; and in case the person applying for such certificate or certificates be a purchaser, such purchaser shall make oath that such stalks were stripped or separated,

raw, or such snuff, or other manufactured tobacco, was made, from one or more hoghead or hogheads of tobacco which had been delivered and received according to the directions of this act (which said several certificates such officer and officers are hereby required and directed to grant, and, after writing the same off their books, to deliver to all and every person or persons who shall apply to him or them for the same, without any fee or reward whatsoever for such certificates or oaths, on pain of forfeiting the sum of ten pounds for every such offence) upon forfeiture of all such tobacco, tobacco stalks, and snuff, together with the cask and package containing the same.

XXXVII. And be it further enacted, That before any such tobacco, tobacco stalks, or snuff, for which such respective certificate is so respectively granted, shall be removed or carried, by land or by water, as aforesaid, the proprietor, factor, or agent thereof, shall describe and insert, on the back of such certificate or certificates, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of each particular species of goods contained in each particular package, and the place from whence the same are to be delivered, and to which they are to be carried and conveyed, and by whom, and the name of the person to whom the goods are consigned; and such proprietor, factor, or agent, shall subscribe his, her, or their name or names, and make oath to the truth thereof; and the certificate or certificates so granted, if going by land, shall express the number of days they shall respectively continue in force, and shall accompany the goods to such place to which they are to be carried and conveyed; and upon its coming to such place, the person or persons receiving the same, or to whom the goods belong, shall cause such certificate or certificates to be delivered to the chief officer of the customs, if any such there be, and in case there be no officer of the customs, then to the officer of the excise of the division within which such goods are carried and conveyed; and such respective officer is hereby directed to examine the same with the goods, and if they agree therewith, the goods may be taken away, and disposed of, by the person or persons to whom of right they belong or appertain, and such officer is thereupon so enter such certificate or certificates distinctly, in a book to be kept by him for that purpose; and the officer of the customs or excise receiving such certificate or certificates shall, from time to time, transmit the same to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treasurer, or commissioners of the treasury, for keeping such accounts.

XXXVIII. And be it further enacted, That no unmanufactured tobacco, or manufactured tobacco, tobacco stalks, or snuff, which shall have been removed, carried, or conveyed, either by land or by water, from any port or place in Great Britain to any other port or place whatsoever in Great Britain,

Before tobacco is removed, the weight, etc. of each package is to be written on the back of the certificate, and signed by the proprietor.

Certificate to express the number of days it is to continue in force, and to be delivered to the officer of the customs on the arrival of the goods at their intended place, etc.

No tobacco shall be again removed without certificate of its having been

legally received at the former place of removal.

or which shall have been removed, carried, or conveyed from any one place within any one port or place, to any other place within the same port or place, shall be afterwards removed, carried, or conveyed, either by land or by water, to any other port or place whatsoever within *Great Britain*, without a certificate or certificates being first had and obtained from the collector and comptroller, or other chief officer or officers of the customs, at the port or place from whence such goods are intended to be removed, but if there is not any officer of the customs resident at such place, then from the officer of excise for the division with whom the former certificate or certificates was or were entered, that it appears to them, by the entries of the certificate or certificates in their books, upon the former removal, that such tobacco, tobacco stalks, or snuff, had been received by legal certificate, and also that the person or persons who shall apply to him or them for such certificate or certificates, had made oath to the truth thereof; and, before such certificate or certificates shall be granted, the proprietor of such tobacco, or the factor or agent applying for the same, shall describe and insert, on the back of such certificate or certificates respectively, in a fair and legible manner, the names of each particular package in which such goods are contained, together with the particular marks and numbers set on each package, and also the true and exact weight of tobacco contained in each particular package, and the place from whence the same are to be delivered, and to which, and by what carriage, they are to be carried and conveyed, and by whom, and the name of the person or persons to whom, the goods are consigned, to which such proprietor, factor, or agent, shall subscribe his, her, or their name or names, and make oath to the truth thereof; which several and respective oaths herein before directed, the collector or comptroller, or other principal officer of the customs, or the officer of excise, granting such respective certificate or certificates, is and are hereby authorized and empowered to administer; and the certificate or certificate so respectively granted, if going by land, shall express the number of days it or they shall continue in force; and the officer or officers granting such certificate or certificates, after writing the same off their books, in a book to be kept by him or them for that purpose, are hereby directed to deliver such certificate or certificates to the person or persons who shall apply to them for the same, without any fee or reward whatsoever for such certificate or certificates, or for administering the oaths hereby required, on pain of forfeiting twenty pounds for every such offence, and to transmit a duplicate of such certificate or certificates to the said officer now appointed, or the officer or officers hereafter to be appointed by the high treasurer, or commissioners of the treasury, for keeping such accounts; and the said certificate or certificates so granted, shall accompany such tobacco to the place where, and be delivered to the persons to whom, such tobacco shall be consigned, who, upon receiving the same, shall cause such certificate or certificates to be delivered to the chief officer of

Persons applying for certificates to describe on the back, and make oath of the truth thereof, the particulars, and weight, &c.

Certificate to express the number of days it is to continue in force, and to be delivered without fee, &c.

Certificates to be delivered to the proper officer on the arrival of the goods at their intended place.

of the customs, if any such there be, and in case there be no officer of the customs, then to the officer of excise of the division within which such goods are carried and conveyed; and such officer is hereby directed to examine the same with the goods, and if they agree therewith the goods may be taken away and disposed of by the person or persons to whom of right they belong; and which officer is thereupon to enter such certificate or certificates distinctly, in a book to be kept by him for that purpose, and transmit the original certificate or certificates to the said officer now appointed, or to the officer or officers hereafter to be appointed, by the high treasurer, or commissioners of the treasury, for keeping such accounts.

XXXIX. And be it further enacted, That if any tobacco or tobacco stalks, exceeding six pounds weight, or any snuff, exceeding six pounds weight, shall be found removing, either by land or by water, without having one or other of the certificates herein before directed, all such tobacco, tobacco stalks, and snuff, and the casks, chests, cases, or other package containing the same, together with the horses, cattle, carts, waggons, and all other carriages whatsoever, employed or in anywise made use of in the removing, carriage, or conveyance of such tobacco, tobacco stalks, or snuff, or any or either of them, shall be forfeited and lost, and the carrier or other person employed or intrusted in the removing, carrying, or conveying such goods, or any or either of them, shall, besides the loss of the cattle and carriages, be committed to the county gaol for the space of one month, by any justice of the peace for the county where the offence is committed, or the offender shall be found; and if any person or persons whatsoever shall counterfeit, erase, or in anywise alter any such certificate or certificates, or duplicate or duplicates, as herein-before is mentioned and described, or shall cause or procure the same, or any or either of them, to be counterfeited, forged, erased, or altered, in any respect, he, she, or they, so offending, shall forfeit and pay the sum of one hundred pounds for every such offence.

Penalties on removing tobacco above six pounds weight without certificate, and on counterfeiting or altering certificates.

XL. And be it further enacted, That no tobacco nor tobacco stalks, exceeding the quantity of six pounds weight, nor snuff, exceeding six pounds weight, shall be conveyed or carried, by land or by water, from any port or place in *Great Britain* to any other port or place in *Great Britain*, or from any place within any port in *Great Britain* to any other place within the same port, in any hoghead, cask, chest, case, or other package, unless such hoghead, cask, chest, case, or other package, be stamped or marked on the outside with the respective words *Tobacco*, *Tobacco Stalks*, or *Snuff*, in large letters, not less than three inches in length, under the penalty and forfeiture of such tobacco, tobacco stalks, or snuff, with the package thereof, and one shilling for every pound weight thereof, to be paid by the owner of such tobacco, tobacco stalks, or snuff, unless it can be proved that the goods so removing was without his, her, or their knowledge.

No tobacco, &c. above six pounds weight, to be removed without being marked on the package.

No manufactured tobacco, &c. above six pounds weight, though in different packages, shall be removed at one time to the same person, or different persons in partnership, without certificate.

XLI. And be it further enacted, That no manufactured tobacco, tobacco stalks, or snuff, exceeding the quantity of six pounds weight in the whole, although in different packages, shall be removed, carried, or conveyed, either by land or by water, at one and the same time, by one and the same carriage or conveyance, and directed to one and the same person, or to different persons in one and the same partnership in trade, without a certificate, as is herein-before directed, being first had and obtained from the collector and comptroller, or other chief officer or officers of the customs, or the officer of excise (if there be not any officer of the customs there) of the port or place from whence such tobacco, tobacco stalks, or snuff, shall be so removed, and to accompany the same to the port or place to which the same is to be carried or conveyed, upon forfeiture thereof.

No tobacco which has been once removed shall be returned back again to the same place without leave from the commissioners of the customs.

XLII. And be it further enacted, That no unmanufactured tobacco, manufactured tobacco, tobacco stalks, or snuff, which shall have been removed from the port or place of importation in *Great Britain*, or from any other port or place in *Great Britain*, to any other port or place in *Great Britain*, shall be again returned or sent back to such port or place from whence the same was or were before removed or sent, upon any pretence whatsoever, without leave being first had and obtained for that purpose from the commissioners of his Majesty's customs in *England*, or any four or more of them for the time being, or the commissioners of his Majesty's customs, or any three or more of them for the time being, in *Scotland*, and for which a special certificate shall be granted to accompany the same, in such manner and form as the said commissioners respectively shall think proper, upon forfeiture thereof, together with the horses, cattle, carriages, and boats made use of in the removing, carriage, or conveyance of the same.

Tobacco conveying to and from snuff mills without a certificate to be forfeited, and the owner and remover thereof liable to penalty.

XLIII. And be it further enacted, That where any tobacco is intended to be carried or conveyed from the port or place of importation, or other place, to the mills of any manufacturer of tobacco, for the purpose of grinding the same into snuff, the said commissioners of his Majesty's customs in *England*, or any four or more of them, or the commissioners of his Majesty's customs, or any three or more of them, in *Scotland*, for the time being, respectively, are hereby authorized and required to direct proper licenses or certificates to be granted to accompany such tobacco to such mills, in order to be manufactured, and after it has been so manufactured, other such like licenses or certificates, to accompany the same from such mills to the house of such manufacturer, from whence the same had been so sent, for the purpose of being so manufactured, and if any tobacco or snuff manufactured therefrom shall be found removing as aforesaid, without such license or certificate as aforesaid, the same shall be forfeited, together with the horses, cattle, and carriages, made use of in the removing, carriage, or conveyance of the same, and the person or persons to whom such

And be it further enacted, That such tobacco, or from manufactured therefrom, shall belong, shall forfeit and lose twenty shillings for every pound weight of tobacco or snuff, and the person employed in the removal, carriage, or conveyance of the same, shall also forfeit and lose the sum of five shillings for every pound weight of such tobacco or snuff; unless it can be proved that the tobacco or snuff so removing was without his, her, or their knowledge.

XLIV. And be it further enacted, That the bond or bonds so given as aforesaid, for securing the duties upon any quantity of tobacco so imported or brought into *Great Britain* as aforesaid, shall be discharged and cancelled by the debenture or debentures respectively made out and passed in the usual way, for the net quantity or quantities of tobacco, taken at the weighing thereof as aforesaid for exportation, and upon the delivery of such tobacco for home trade as aforesaid; and when the whole of the tobacco to which such respective bond or bonds shall apply and respectively refer shall appear to have been so exported and delivered for home trade as aforesaid, and it shall also appear that there is a difference between the weights of such tobacco, taken as aforesaid at the importation, and the weights taken at the delivery thereof as aforesaid, for home trade and for exportation, jointly or severally, by a decrease in weight, arising from shrinkage by lying in the warehouse, it shall and may be lawful for the officer or officers of the customs for the respective warehouse or warehouses from which such tobacco shall have been so delivered as aforesaid to certify the same, and he or they is and are hereby directed and required to grant the same, and such certificate shall go in discharge of such bond or bonds so given as aforesaid.

Decrease of weight of tobacco from lying in warehouses, to be allowed in the discharge of bonds.

XLV. And be it further enacted, That at or before the shipping for exportation of any manufactured tobacco, the exporter or exporters, with one or more person or persons, of which the master, or other person having the charge or command of the ship or vessel in which such tobacco is intended to be exported, shall be one, shall give security to the collector, or chief officer of the customs of the port where the warehouse or warehouses out of which such tobacco is to be exported is or are situate, in the penalty of double the value of the said tobacco, (which security the said customer, collector, or other chief officer, is hereby directed and empowered to take in the name of, and for the use of his Majesty, his heirs and successors), that such tobacco so shipped, or any part thereof, shall not be re-landed or brought on shore again in any port or place of *Great Britain*, or the *Isle of Man*; and such security shall be discharged in the manner herein-after mentioned; (that is to say), For such of the said goods as shall be entered for, or landed in the kingdom of *Ireland*, the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, the condition of the bond shall be, to bring in a certificate in discharge thereof within six months from the date of the bond; and within eighteen months for such of the said goods as shall be entered for and landed in any of his

Security to be given that manufactured tobacco shipped for exportation shall not be re-landed in *Great Britain* or the *Isle of Man*.

Regulations for discharging such security.

his Majesty's colonies, plantations, islands, or territories in *America* or *Africa*; and within thirty months for each of the said goods as shall be entered for, and landed in any port or place at or beyond the *Cape of Good Hope*; which said certificate for such tobacco as aforesaid as shall be landed in any part or place where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such tobacco was there landed, testifying the landing thereof; and for such tobacco as aforesaid as shall be entered for the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall be signed by the proper officer or officers of his Majesty's customs, if any such officer or officers shall be residing in these islands respectively, and for want of such officers residing there, then by the governor of these islands, or the deputy governor thereof respectively; and for such tobacco as aforesaid as shall be entered for any other foreign port or place, to bring a certificate under a common seal of the chief magistrate of such port or place, or under the hands and seals of two known *British* merchants, then being at such port or place, that such tobacco was there landed; or such bond or bonds shall be discharged, upon proof, in any or either of the said cases, that such goods were taken by enemies, or perished in the sea, the examination and proof thereof being left to the judgement of the commissioners of the customs in *England* or *Scotland* for the time being, respectively: provided always, That in case any tobacco so put into the said warehouse or warehouses as aforesaid shall be burnt or destroyed by fire, during the time it shall remain in such warehouse or warehouses, the respective bond or bonds which shall have been given for security of the duties thereon, shall be discharged for so much tobacco as shall have been so burnt or destroyed.

Tobacco destroyed by fire in a warehouse, to be allowed in discharge of bonds.

Documents required by this act, and 24 Geo. 2. c. 41. relative to importation of tobacco, to be transmitted to such person as shall be appointed by the treasury, who is to conform to the regulations of former act.

XLVI. And be it further enacted, That one of the books of the landing waiters so appointed to the delivery of every ship or vessel so importing tobacco as aforesaid, under this act, and every other document and documents in relation to tobacco so imported, as is now required by an act passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intitled, *An act for the more effectual securing the duties upon tobacco*, to be transmitted or delivered to such person as should be deputed and appointed by the high treasurer, or commissioners of the treasury for the time being, to receive the same, (on the importation of tobacco imported under the regulation of that act), shall, and are hereby directed to be transmitted or delivered to such person who now is deputed and appointed for the purpose of that act, or such other person or persons as shall hereafter be appointed to execute such office; and such person so deputed, or such person or persons so to be deputed and appointed as aforesaid, shall do and perform every act and thing, in every respect whatsoever, in regard to any tobacco so imported into *Great Britain* as aforesaid under this present act, as was done and performed by such person under the authority of the said

Said act so passed in the twenty-fourth year of the reign of his late majesty King George the Second, intituled as aforesaid; and further, such said person so deputed and appointed, or such person or persons to be so deputed and appointed as aforesaid, by the high treasurer, or commissioners of the treasury for the time being, shall be furnished with all and every document and documents from all and every proper officer and officers of the customs who shall be possessed of the same, to enable such person or persons to be a competent cheque upon the tobacco so imported as aforesaid being delivered for exportation out of any of the respective warehouses aforesaid, or delivered for home trade as aforesaid, out of such respective warehouses.

XLVII. And be it further enacted, That no tobacco, either manufactured or unmanufactured, shall be entered or shipped for exportation to any parts beyond the seas (*Ireland only excepted*) in any ship or vessel whatsoever, unless such ship or vessel shall be of the burthen of seventy tons, or upwards; and if any officer or officers of the customs shall apprehend, or have reason to believe, that any such ship or vessel bound to foreign parts, and having tobacco on board her, shall not be of the burthen of seventy tons, or upwards, it shall and may be lawful for such officer or officers to stop and detain such ship or vessel, and the whole cargo laden on board her of tobacco, and all other goods, until he or they shall cause such ship or vessel to be admeasured according to the admeasurement prescribed by an act passed in the thirteenth year of the reign of his present Majesty, intituled, *An act for the better shortening the tonnage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or becoming upon the coast thereof; for amending so much of an act, made in the last session of parliament, for lowering the duty payable upon the importation of oak bark, as relates to the fixing of the penalties and forfeitures thereby inflicted in the court of exchequer in Scotland; for appropriating the duty on oak bark, granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain wares; and the bounty upon British made cordage exported to the islands of Madeira, the Canary Islands, and the Azores or Western Islands; and if it shall appear by such admeasurement that any such ship or vessel is of the burthen of seventy tons, or upwards, the officer or officers so stopping and detaining her and her cargo shall not be subject or liable, to any action for damages occasioned by such stoppage and detention; and if the master or commander of any ship or vessel outward bound to foreign parts, having tobacco on board her, shall enter and clear out such ship or vessel in the collector's book at the custom-house, as of the burthen of seventy tons, or upwards, and such ship or vessel shall not be of great burthen, according to the admeasurement prescribed by the said act, he shall forfeit and lose the sum of one hundred pounds for every such offence.*

XLVIII. And be it further enacted, That where any ship or vessel whatsoever, under the burthen of seventy tons, coming Tobacco of more than 100 pounds

Officers stopping tobacco to be shipped for exportation (*to Ireland excepted*) in vessels of less burthen than 70 tons, may detain them till they are admeasured, agreeably to 13 Geo. 3. c. 74.

Penalty on entering vessels of greater burthen than they are.

weight on board any vessel under 70 tons, found hovering or at anchor within certain limits, to be forfeited.

Masters of vessels found hovering or at anchor in certain limits forfeit root.

Bonds deemed to be due on the day mentioned in their conditions, and interest to be paid agreeable to

4 Anne, c. 6.

or arriving from foreign parts, or having cleared outwards in *Great Britain* for foreign parts, and having on board one hundred pounds weight of tobacco, or any tobacco stalks or stems stripped from the leaf, shall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within four leagues of the coasts thereof, or shall be discovered to have been within the said limits or distance, and not proceeding on her voyage, wind and weather permitting (unless in case of unavoidable necessity and distress of weather, of which necessity and distress the master, or other person having or taking the charge or command of such ship or vessel, shall give notice, and make proof before the collector, or other chief officer of the customs, of any port within the limits of which such ship or vessel shall be found, immediately after the arrival of such ship or vessel within the limits of such port) all such tobacco and tobacco stalks, or stems stripped from the leaf, together with the hogheads, bags, boxes, casks, chests, cases, or other packages whatsoever containing the same, or the value thereof, shall be forfeited and lost (whether bulk shall then have been broken, or not) and the master, or other person having or taking the charge or command of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds; and if any ship or vessel whatsoever, of the burthen of seventy tons or upwards, having such goods on board as aforesaid, either homeward bound or outward bound, shall be found at anchor, or hovering as aforesaid, or shall be discovered not to be proceeding on her voyage, wind and weather permitting, and not any distress shall happen as aforesaid, and notice thereof be given as aforesaid, the master, or other person having or taking the charge or command of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

XLIX. And be it further enacted by the authority aforesaid, That all bonds which shall be given for the several and respective duties on tobacco by virtue and in pursuance of this act, shall be deemed and taken to be due and payable immediately upon the day mentioned in the condition of the said respective bond or bonds for the payment thereof; and that such interest shall be paid to the crown on all such bonds as are directed by an act of parliament, made in the fourth year of the reign of her late majesty Queen Anne, intituled, *An act for continuing an additional subsidy of tenns, and tennage, and certain duties upon coals, culm, and cinders, and additional duties of excise; and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and all other uses therein mentioned*; which interest shall be computed from the day the bond or bonds shall respectively become due, to the day whereon it or they shall be paid off in money, or the day the searcher certifies upon the debenture that the tobacco was shipped for exportation, notwithstanding such tobacco doth or shall remain unexported; and no such security shall

shall hereafter be vacated, until all such interest shall be paid thereon; any law, custom, or usage to the contrary notwithstanding.

L. And be it further enacted, That if any person or persons whatsoever shall, at any time or times hereafter, in order to defeat any of the purposes or intents of this act, erase, cut out, burn out, blot out, or in anywise whatsoever alter, change, or deface any mark or number, or marks or numbers, which was or were burnt in or set upon any hoghead, cask, chest, or case whatsoever, of tobacco, in his said Majesty's colonies, plantations, islands, or territories in *America*, or in the United States of *America*, or which shall be set, stamped, or affixed thereon in *Great Britain* upon the importation or landing thereof, or which was or were set or stamped, or affixed thereon in *Great Britain*, upon the exportation thereof from thence to foreign parts, he, she, or they so offending shall forfeit and lose the sum of twenty pounds for each and every hoghead, cask, chest, or case whatsoever, of tobacco, the mark whereof shall be so altered or defaced as aforesaid.

Penalty on erasing marks on packages.

LI. And be it further enacted, That the several and respective proprietors of the ships and vessels which shall be so respectively moored at the places aforesaid, shall so moor, or cause the same to be so moored, at their sole expence and risque; and they, and the proprietors of the cargoes on board such ships respectively, and not the crown, shall take the risque of, and bear every damage that may happen respectively to such ships and their cargoes, while they shall remain at such mooring places.

Proprietors to be at the expence and risque of mooring vessels.

LII. And be it further enacted, That the merchants, and not the crown, shall respectively bear all the charges and expences incurred in any way, by unshipping, bringing, carrying, or conveying any tobacco as aforesaid from the several and respective ships so importing the same, to the several and respective places of landing, and from thence to the respective warehouses as aforesaid, in which the same tobacco is to be so deposited as aforesaid, or in the bringing, carrying, or conveying the tobacco from such respective warehouses to and on board the several and respective ships, in which the same is or are to be respectively exported to foreign parts, save and except the charges and expences of paying the revenue officers, under whose special care the said tobacco shall be so respectively conveyed, either from the ship to the warehouse, on importation, or from the warehouse to the ship, when for exportation; any law, custom, or usage, to the contrary notwithstanding.

All expences of unshipping, and of conveying to and from warehouses to be borne by the proprietors, except the expences of revenue officers.

LIII. And be it further enacted, That the respective proprietors of the tobacco, so to be brought as aforesaid to the respective warehouses before mentioned, shall be at the sole expence of stripping or taking the hogheads in which the tobacco shall be so imported as aforesaid from the tobacco, before the same shall be so weighed as aforesaid.

Expences of stripping hogheads from the tobacco to be borne by the proprietor.

If bonds are
not duly diſ-
charged, the
tobacco may
be ſold for
payment.

LIV. And be it further enacted, That if the importer or importers, proprietor or proprietors, conſignee or conſignees, of ſuch tobacco as ſhall be depoſited in ſuch warehouſes as aforeſaid, and for which bond or bonds ſhall have been given for the payment of the duties as aforeſaid within eighteen months, ſhall not, at or before the expiration of ſuch eighteen months, forthwith, either by debenture or debentures on exportation of ſuch tobacco, or by payment of the ſeveral duties for which his or their bond or bonds hath or have been reſpectively given as aforeſaid, diſcharge his or their obligation or obligations, or any part thereof, but that the tobacco, or any part thereof, ſhall continue and be ſtill remaining in the ſaid warehouſes for want of the payment of the duties due thereon, in ſuch caſe it ſhall be lawful for the ſaid commiſſioners, or principal officers of the cuſtoms for the time being, and who are hereby required and impowered ſo to do, to cauſe the ſaid tobacco ſo remaining to be publickly ſold by inch of candle, firſt giving the proprietor or proprietors fourteen days notice, or leaving the ſame in writing at the place of his or their laſt abode; the product thereof, after ſuch ſale, firſt to be applied towards payment of the cuſtoms and duties, and charges that have been expended thereon, and the overplus (if any) to be rendered and paid to the proprietor, or other perſon lawfully authorized to receive the ſame.

Penalties and
forfeitures
how to be re-
covered and
applied.

LV. And be it further enacted, That all the goods, veſſels, boats, horſes, cattle, carts, waggonſ, and other carriages and things forfeited by this act, ſhall and may be ſeized and proſecuted by any officer or officers of his Maſteſty's cuſtoms, and that all the penalties and fines inflicted by this act ſhall and may be proſecuted and ſued for, and the cauſes and controverſies tried, heard, and determined in any of his Maſteſty's courts of record at *Weſtmiſter* (if the offence ſhall be committed in *England*, or if the offender or offenders be in *England* at the time of commencing the proſecution), or in the court of exchequer at *Edinburgh* (if the offence ſhall be committed in *Scotland*, or if the offender or offenders be in *Scotland* at the time of commencing the proſecution), at the election of the commiſſioners of his Maſteſty's cuſtoms in that part of the united kingdom where the offence or offences ſhall be committed, wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; and ſuch penalties, or the ſums recovered, ſhall be paid and applied in the following manner; (that is to ſay,) if ſuch proſecution ſhall be carried on at the expence of the officer, then one moiety of whatever penalty ſhall be recovered, either upon a judgement obtained on ſuch proſecution, or upon a compoſition made thereon, ſhall be to the uſe of his Maſteſty, his heirs and ſucceſſors, and the other moiety to ſuch officer; if ſuch proſecution ſhall be carried on under the regulation made by the lords commiſſioners of his Maſteſty's treaſury, by their warrant, dated the twenty-ſeventh day of *July*, one thouſand ſeven hundred and thirty-ſix, then ſuch officer ſhall be entitled

to and paid one third of such penalty or composition; and if such prosecution shall be carried on at the expence of the crown, then such officer shall be entitled to and paid one sixth of such penalty or composition; any law, custom, or usage, to the contrary notwithstanding.

LVI. And be it further enacted, That all seizures made, and forfeitures inflicted by this act, shall and may in like manner be prosecuted, tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh*, respectively; and one moiety of the net produce of such seizures and forfeitures, after deducting the charges of condemnation and sale from the whole, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers who shall inform, prosecute, or sue for the same, provided the requisitions of an act made in the fifth year of the reign of his present Majesty, intituled, *An act for the better securing and further improvement of the revenues of customs, excise, inland and salt duties; and for encouraging the linen manufacture of the Isle of Man; and for allowing the importation of several goods, the produce and manufacture of the said island, under certain restrictions and regulations*; be complied with by such officer or officers; but if the conditions of the said recited act shall not be complied with, then such officer and officers shall, in each and every such case, in lieu and instead of such moiety, be entitled to and allowed no more than one third part of the net produce arising by the sale of such seizure: provided nevertheless, That all seizures of horses, cattle, carts, waggons, and other carriages whatsoever, for being used in the removing, carriage, or conveyance of any goods contrary to this act, shall and may be examined into, proceeded upon, heard, adjudged, and determined by and before any two of his Majesty's justices of the peace residing near to the place where such seizure shall be made, in such manner, and by such and the like rules, as the seizure of any horses, cattle, or carriages, liable to forfeiture for being used in removing, carrying, or conveying of any prohibited or run goods, may be examined into and proceeded upon, heard, adjudged, and determined, by any justice or justices of the peace, by virtue of any act of parliament in force; and such judgement which shall be given in pursuance of this act is hereby declared to be taken and adjudged good, valid, and effectual in law, and final, to all intents and purposes whatsoever, and not liable to any appeal, or any writ or writs of *certiorari*, any law, statute, or usage, to the contrary notwithstanding.

LVII. And be it further enacted, That all tobacco, tobacco stalks, and snuff, which shall be seized and condemned, shall be burnt and destroyed in the presence of the collector and comptroller of the customs for the port where such tobacco shall happen to be at the time of such condemnation, or in the presence of such officer as shall be appointed by them for that purpose; and that all rewards or allowances to which the officer or officers who shall seize and prosecute the same are entitled by law, shall

Where seizures and forfeitures are to be tried, and how to be applied.

Act 5 Geo. 3. c. 43.

Condemned tobacco, etc. shall be burnt, and the officer who seized shall be paid out of the incidents, at the rate of 6d. per pound of tobacco.

bacco or snuff,
and 1d. per
pound of to-
bacco stalks
or damaged
tobacco.

shall be paid by the receivers general of the customs at *London* or *Edinburgh* respectively, or by the respective collectors in the out ports where such tobacco, tobacco stalks, or snuff was seized, and burnt or destroyed, to such officer or officers, out of any of the duties or revenues arising from the customs applicable to incidents; (that is to say), If it is tobacco, or tobacco snuff, so burnt and destroyed, the same shall be paid at and after the rate and proportion as if the said tobacco, or tobacco snuff, had been sold on condemnation for sixpence per pound; and if it is tobacco stalks, or damaged tobacco, then the officer so seizing shall have and be entitled to one penny *per* pound for every pound weight of tobacco stalks, or damaged tobacco, so condemned and burnt, in lieu of all other allowances.

Defendants
may plead the
general issue.

IVIII. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

and recover
treble costs.

C A P. LXXXII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attorneys and solicitors; and for indemnifying persons who have acted as trustees of turnpike roads, in certain cases, and declaring their proceedings valid.

Persons who have omitted to qualify themselves agreeable to act 1 Geo. 2. sec. 3 c. 13 act 13 Car. 2. sec. 2 c. 1. act 25 Car. 2. c. 2. act 30 Car. 2. sec. 2 c. 1. act 8 Geo. 1. c. 6. act 9 Geo. 2. c. 26. act 18 Geo. 2. c. 20. and act 6 Geo. 3. c. 53. through ignorance of the law, absence, or some unavoidable accident before the passing of this act; and who shall, on or before Dec. 25, 1785, qualify themselves, shall be indemnified against forfeitures. But not to indemnify any person for any penalty incurred against whom final judgement hath been given. Nor to exempt justices acting without legal qualification. Persons producing appointments and admissions to offices before Dec. 25, 1785, shall be confirmed, and qualified to act as clerk, officer, or member of corporations, etc. may enjoy all offices into which they have been elected; and shall be indemnified from all penalties and damages incurred by reason

1783. Anno vicinio quarto Edwardi III. c. 7, 8.

of omissions. Not to extend to release persons to any office avoided by judgement. Persons who shall cause affidavits of clerks articles to be filed before Michaelmas term, 1783, are indemnified and discharged from penalties. Trustees for repair of turnpike roads not duly appointed, indemnified for acting. Persons prosecuted, and hereby meant to be indemnified, may plead the general issue.

C A P. LXXXIII.

An act for further postponing the payment of the sum of two millions, advanced by the governor and company of the bank of England, towards the supply for the service of the year one thousand seven hundred and eighty-one, to the 31st of January 1787.

C A P. LXXXIV.

An act to limit the duration of polls and scrutines, and for making other regulations touching the election of members to serve in parliament for places within England and Wales, and for Berwick upon Tweed; and also for removing difficulties which may arise for want of returns being made of members to serve in parliament.

FOR the better regulation of polls and scrutines, be it enacted **Preamble.**

by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from after the first day of *August*, one thousand seven hundred and eighty-five, every poll which shall be demanded at any election for a member or members to serve in parliament for any county, city, borough, or other place, within *England*, *Wales*, or for the town of *Berwick upon Tweed*, shall commence on the day upon which the same shall be demanded, or upon the next day at furthest, (unless it shall happen to be a *Sunday*, and then on the day after;) and shall be duly and regularly proceeded in from day to day (*Sundays* excepted) until the same be finished, but so as that no poll for the election of any member or members to serve in parliament, shall continue more than fifteen days at most (*Sundays* excepted;) and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately, or on the day next after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless the returning officer or officers, upon a scrutiny being demanded by any candidate, or any two or more electors, shall deem it necessary to grant the same; in which case, it shall and may be lawful for him so to do, and to proceed thereupon, but so as that in all cases of a general election, every returning officer or officers having the return of a writ, shall cause a return of a member or members to be filed in the crown office on or before the day on which

From Aug. 1, 1785, every poll must commence, at the latest, the day after it is demanded, unless it be Sunday, and must not continue more than 15 days.

Return to be made at the close of the poll, or the day after, unless a scrutiny is demanded.

Regulations for making returns in case of a scrutiny.

which such writ is returnable; and every other returning officer or officers, acting under a precept or mandate, shall make a return of a member or members, in obedience to such precept or mandate, at least six days before the day of the return of the writ by virtue of which such election has been made; and so that in case of any election, upon a writ issued during a session or prorogation of parliament, and a scrutiny being granted as aforesaid, then that a return of a member or members shall be made within thirty days after the close of the poll, (or sooner, if the same can conveniently be done.)

Objections to voters to be decided alternately.

II. And be it enacted, That whenever a scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such scrutiny, the returning officer or returning officers shall decide alternately or by turns on the votes given for the different candidates who shall be parties to such scrutiny, or against whom the same shall be carried on.

Poll to be kept open seven hours daily.

III. And, in order that electors may have full time and opportunity to poll, be it enacted, That all and every returning officer and officers, unless prevented by any unavoidable accident, shall, during the continuance of the poll, on every day subsequent to the commencement of the same, cause the said poll to be kept open for seven hours at the least in each day, between the hours of eight in the morning and eight at night.

Within two days after receipt of the writ, proclamation to be made of the election which must begin between the 20th and 26th day after proclamation.

IV. And whereas inconveniencies may arise from the time allowed by the laws now in being for proceeding to an election of a knight or knights to serve in parliament, for any county or shire in England or Wales; be it enacted, That, immediately after the receipt of the writ for making any such election, and indorsing on the back thereof the day of receiving the same, as by law required, it shall and may be lawful for the sheriff of such county or shire, and he is hereby required, within two days after the receipt thereof, to cause proclamation to be made at the place where the ensuing election ought by law to be holden, of a special county court to be there holden for the purpose of such election only, on any day, Sunday excepted, not later from the day of making such proclamation than the sixteenth day, nor sooner than the tenth day; and that he shall proceed in such election, at such special county court, in the same manner as if the said election was to be held at a county court, or at an adjourned county court, according to the laws now in being: provided always, That the usual county court for all other purposes, or any adjournment made thereof, shall take place, be held, and proceeded in, by the sheriff, or his deputy, and may from time to time be further adjourned and proceeded in, in such and the same manner, and at the same times and places, as if the writ for the election of a knight or knights of the shire had not been received.

V. And whereas, although from the various and disputed rights of voting in several cities, boroughs, and other places, a positive oath of qualification cannot be required from the electors, yet it is apprehended that unqualified persons may be deterred from polling at such elections,

elections, under fictitious names or otherwise, by requiring from electors previously to their polling, the oath or affirmation herein-after mentioned; be it therefore further enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, upon every election to be made, within that part of *Great Britain* called *England* or *Wales*, or town of *Berwick upon Tweed*, of any member or members to serve in parliament, in all cases where no oath or affirmation of qualification, other than the oaths or affirmations against bribery, or of allegiance, supremacy, and abjuration, can now by law be required, every person claiming to give his vote at the said election, shall, (if required by any candidate, or any person having a right to vote at such election), before he is admitted to poll, take the oath (or, being one of the people called *Quakers*, make the solemn affirmation) following; (that is to say),

An oath to be taken previous to polling.

I DO swear, (or, being a *Quaker*, do affirm), That my name is A. B. and that I am [specifying the addition; profession, or trade of such person,] and that the place of my abode is at in the county of [and if it is a town consisting of more streets than one, specifying what street]; and that I have not before polled at this election; and that I verily believe myself to be of the full age of twenty-one years.

The oath.

which oath, or solemn affirmation, the returning officer or officers at such election, and his or their deputies and poll clerks, is or are hereby authorised and required to administer.

VI. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, upon every election of any member or members to serve in parliament for any county, city, borough, or place, within *England* or *Wales*, or for *Berwick upon Tweed*, it shall and may be lawful for the returning officer or officers, if he or they see cause, and he and they are in such case authorised, during the continuance of any scrutiny which shall have been granted as aforesaid, to administer an oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such election, or touching any other matter or thing material or necessary towards carrying on such scrutiny.

Returning officers authorised to administer oaths during a scrutiny.

VII. And whereas it is expedient that all persons employed as poll clerks at elections, should take an oath for the faithful discharge of their office, but the same is not at present required or authorised by law, except in counties and other places for which there are express provisions made by statute; be it therefore further enacted, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, at every election of any member or members of parliament for any city, borough, or other place, within *England* or *Wales*, or town of *Berwick upon Tweed*, every person whom the returning officer or officers shall retain to act as a clerk in taking the poll shall, before beginning to take such poll,

Poll clerks to take an oath for the faithful discharge of their duty.

be

he, from any such returning officer or officers truly and indifferently to take the said poll, and to set down the name of each voter, and his addition, profession, or trade, and the place of his abode, and for whom he shall poll; and to poll no person who is not sworn or put to his affirmation, whereby this, or any other statute, any oath or affirmation now is, or hereafter shall be required, which oath of every such poll clerk the said returning officer or officers is or are hereby authorised and required to administer.

Persons taking, or suborning others to take, a false oath, liable to the pains inflicted by 5 Eliz. c. 9. and 1 Geo. 2. c. 25.

VIII. And be it further enacted, That if any person, in taking any oath or affirmation herein-before appointed or authorised to be taken before any returning officer or officers, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he or she so offending shall incur such pains and penalties as are inflicted in and by two acts of parliament, the one made in the fifth year of the reign, of the late Queen Elizabeth, (intituled, *An act for punishment of such person as shall procure or commit any wilful perjury*); the other made in the second year of his late majesty King George the Second, (intituled, *An act for the more effectual preventing, and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of moneys*), for any perjury or subornation of perjury, contrary to the said acts.

Not to extend to places where particular regulations have been enacted by statute.

IX. Provided always, and be it enacted. That nothing in this act before contained shall extend to or in anywise affect, alter, or regulate the mode or time of proceeding at any election of any member or members for any place where particular regulations, touching the duration of polls and scrutinies, are specially enacted by statute, but that every such election shall be begun and carried on in the same manner as if this act had not been made.

Where returns have not been duly made, a select committee may be appointed, conformable to 10 Geo. 3. c. 16. and 11 Geo. 3. c. 42.

X. And whereas an act was passed in the tenth year of his present Majesty's reign, (intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament*); and another act was passed in the eleventh year of his said Majesty's reign, for explaining and amending the said former act: and whereas no provision is made therein for the hearing and determining any petition, unless the same shall contain of an undue election or return of members to serve in parliament; be it therefore enacted, That, from and after the first day of August, one thousand seven hundred and eighty-five, if upon any writ or writs to be issued for the election of any member or members to serve in parliament, no return shall be made to the same on or before the day on which such writ is made returnable; or if a writ shall have been issued during any session or prorogation of parliament, and no return shall be made to the same within fifty-two days after the day on which such writ bears date; or if the return made in either of such cases shall not be a return of a member or members,

bers, according to the requisition thereof, but contain special matters only concerning such election; it shall and may be lawful for any person or persons, having had, or claiming to have had, a right to vote at such election, or claiming to have had a right to be returned as duly elected thereat, who shall think himself or themselves aggrieved, to petition the house or committee concerning the same; and upon such petition being presented, a day and hour shall be appointed for taking the same into consideration, and notice thereof in writing shall be forthwith given by the speaker to the petitioners, and to the returning officer or officers by whom such return ought to have been made, or shall have been made, accompanied with an order to him or them to attend the house at the time appointed, by himself or themselves, his or their counsel or agents; and a select committee shall be appointed, according to the directions of the said two recited acts, for regulating the trial of controverted elections; which committee shall try and determine whether any, and which of the person or persons named in such petition ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intent, and purposes; and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for ordering a return to be made, or for altering the return if made, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Notice of the meeting of committees to be given to the petitioners and returning officers.

XI. And be it further enacted, That all and every the rules, regulations, authorities, and powers, given or prescribed by either of the said recited acts for regulating the trial of controverted elections, with respect to select committees, to be appointed by virtue of the said acts, or either of them, shall be in full force and effect with respect to select committees to be appointed by virtue of this present act, in as full and ample manner as if the same were herein repeated and particularly and specially enacted concerning the same.

Regulations of Geo. 3. c. 16. and 17 Geo. 3. c. 42. extended to this act.

XII. Provided always, That if the returning officer or officers, by whom such return ought to have been made, or has been made, cannot be found so as to be served with the notice or order herein-before mentioned, or being served shall not appear by himself or themselves, his or their counsel or agents, at the day or time appointed for taking such petition into consideration, it shall and may be lawful for the house to permit or authorize any person to appear in the stead of him or them; and in case there shall be more petitions than one presented, complaining of such return, or omission of a return, on distinct interests, or complaining upon different grounds, the house shall determine from the nature of the case whether the returning officer or officers, or person appearing in the stead of him or them, shall, together with such petitioners, be intitled to strike off from the list of members drawn by lot, in the manner directed by the said act, passed in the eleventh year of the reign

When returning officers cannot be found, or do not appear at committees, other persons may be appointed to appear in their stead, and when more than one petition is presented, the house to determine whether the returning officer is to strike off

from the list of members drawn by lot.

Returning of-
ficers liable to
prosecution
for offences
against this
act.

Returning
officers may
be sued for
neglecting to
return per-
sons duly
elected.

Actions to be
commenced
within one
year after the
offence, or
six months
after con-
clusion of pro-
ceedings in
the house.

Poll may be
adjourned
from Win-
chester to
Newport in
the Isle of
Wight, &c.

of his present Majesty, in the case where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting the said petitions only.

XIII. And be it enacted, That if any sheriff, or other returning officer or officers, who shall preside at any election of a member or members to serve in parliament for any county, city, borough, or place, shall wilfully offend against, or act contrary to the true intent and meaning of this act, every such person shall be liable to be prosecuted by information or indictment in his Majesty's court of king's bench, or at any court of oyer and terminer, great sessions, or gaol delivery, for the county, city, town, or place, where such offence shall be committed, in which no *Nolle prosequi* or *Cogit prosequi* shall be granted; any law, custom, or usage to the contrary notwithstanding.

XIV. And be it further enacted, That if any sheriff or returning officer shall wilfully delay, neglect, or refuse duly to return any person who ought to be returned to serve in parliament for any county, city, borough, or place within Great Britain, every such person may, in case it shall have been determined by a select committee, appointed in the manner herein-before directed, that such person was intitled to have been returned, sue the sheriff, or other officer or officers, having to wilfully delayed, neglected, or refused, duly to make such return, and every or any of them, at his election, in any of his Majesty's courts of record at Westminster, or the court of session in Scotland; and shall recover double the damages he shall sustain by reason thereof, together with full costs of suit.

XV. Provided always, and be it further enacted, That every indictment, information, or action, for any offence against this act, shall be found, filed, or commenced within one year after commission of the fact on which such indictment, information, or action shall be grounded, or within six months after the conclusion of any proceedings in the house of commons relating to such election.

XVI. Provided always, That, notwithstanding any thing in this act contained, it shall and may be lawful for the sheriff of the county of Southampton, and he is hereby required, that any poll for the said county shall have closed at Winchester, and which shall always be closed within the space of fifteen days at the most, in the manner above required, to adjourn the poll to Newport in the Isle of Wight, in case the same shall be required by one or more of the candidates, so that every such adjourned poll shall commence within four days from the close of the poll at Winchester, and shall not continue longer than three days at the most.

C A P. LXXXV.

An act for paving the footways in the borough of Reading, in the county of Berks; for better repairing, cleansing, lighting, and watching the streets, lanes, passages, and places in the said borough; and for removing incroachments, obstructions, and annoyances therefrom, and preventing the like for the future.

C A P. LXXXVI.

An act for better watching, lighting, and cleansing such parts of the precinct of Saint Catherine near the tower of London, in the county of Middlesex, as are not inclosed in the provisions of certain acts passed in the seventh and ninth years of his present Majesty's reign; and for preventing nuisances and annoyances therein.

C A P. LXXXVII.

An act for extending the Dudley canal to the Birmingham canal, at or near Tippon Green, in the county of Stafford.

C A P. LXXXVIII.

An act for lighting and watching the village of Clapham, and certain roads leading thence, in the county of Surrey.

C A P. LXXXIX.

An act for supplying the inhabitants of the parish of Lambeth, and parts adjacent, in the county of Surrey, with water.

C A P. XC.

An act for the better paving, cleansing, and lighting, the streets, lanes, ways, and passages, within the borough of Arundel, in the county of Sussex; and for removing and preventing incroachments, obstructions, and annoyances therein.

C A P. XCI.

An act for taking down the market house in the borough of Bridport, in the county of Dorset, and rebuilding the same, together with a session or court house, in a more convenient situation; for removing the shambles, or butcher row; for better paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the said borough with thatch.

C A P. XCII.

An act for draining, preserving, and improving certain low grounds and turs in the several parishes of Saint John in Beverley, and of Skidby, in the east riding of the county of York.

C A P. XCIII.

An act for the removal and rebuilding of the council chamber, guildhall, and gaol, of the city of New Sarum; and for ascertaining the tolls of the market, and regulating the chairmen within the said city.

C A P. XCIV.

An act for repairing, new pewing, seating, and erecting galleries, and making other alterations and additions in and to the parish church of Kidderminster, in the county of Worcester.

C A P. XCV.

An act for rebuilding the parish church of Christ Church, otherwise The Holy Trinity, within the city of Bristol; and for widening the streets adjacent thereto.

C A P. XCVI.

An act for amending two acts, of the eighth and sixteenth years of his present Majesty, for opening certain passages, and for paving the streets and other places, in the parish of Saint Leonard Shoreditch, and such part of Hg Lane as lies within the liberty of Norton Folgate, in the county of Middlesex, and for preventing annoyances therein.

C A P. XCVII.

An act to enable the mayor and commonalty and citizens of the city of London to pull down the Poultry and Wood-street Compters, and to purchase certain ground and buildings within the said city for the purpose of rebuilding the same.

C A P. XCVIII.

An act to enable his Majesty to grant the inheritance of certain lands, tenements, and hereditaments, situate in or near North Scotland Yard, in the county of Middlesex, in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and also of certain ground contiguous to Fimmouth Castle, in the county of Northumberland, belonging to the duke of Northumberland, or for such further or other compensation as shall be a full consideration for the same; and also to empower the said duke to make such exchange.

C A P. XCIX.

An act to enable the company of proprietors of the navigation from The Trent to The Mersey, and the company of proprietors of the navigation from Birmingham to Fazeley, to make a navigable canal from the said Trent and Mersey navigation, on Fradley Heath, in the county of Stafford, to Fazeley, in the said county; and for confirming certain articles of agreement entered into between the said Trent and Mersey, the Oxford, and the Coventry, canal navigation companies.

C A P. C.

An act for amending and improving the navigation of the river Arun, from Houghton Bridge, in the parish of Houghton, in the county of Sussex, to Pallenham Wharf, in the parish of Wilborough Green, in the said county; and for continuing and extending the navigation of the said river Arun, from the said wharf called Pallenham Wharf, to a certain bridge, called New Bridge, situate in the parishes of Pulborough and Wilborough Green, in the said county of Sussex.

whom such licence was granted.

V. And it is hereby further enacted by the authority aforesaid, That if any bread, flour, *Indian corn*, or live stock, shall be imported or brought from any place or country belonging to the said united States of *America*, into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said united States of *America*, contrary to the true intent and meaning of this act, all such bread, flour, *Indian corn*, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court of vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officers or officers of the customs who shall seize and prosecute for the same.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-eight.

The Form of the Licence directed by this Act

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [where].

WHEREAS [name of the person], one of his Majesty's subjects residing at [place where], hath given notice to us the commissioners of his Majesty's [customs in Great Britain, or revenue in Ireland,] that he intends to trade at [some port of the united States in America], and import into [some part of Newfoundland], in the [ship's name], being a British-built ship, [describing the tonnage, and other part of vessel], navigated according to law, whereof [master's name] is master, bound to [where]; and it appearing by the register of the said ship the [ship's name], whereof [master's name] is master, that the said ship the [ship's name] was built at [place where], and owned by [owner's name], residing at [place where], all his Majesty's,

Anno vicésimo sexto GEORGI III. C. 2—4. [1786. *Majesty's British subjects, and that no foreigner, directly or indirectly, hath any share, part, or interest therein:*

Now be it known that the said [person's name], *hath licence to lade on board the said ship* [ship's name], *at and from any port or place belonging to the united states of America, bread, flour, Indian corn, and live stock, the produce of the said united states, and no other article whatsoever, and to carry the said bread, flour, Indian corn, and live stock, to some port or place on the island of Newfoundland, or the adjacent islands to his Majesty belonging; and on the arrival of the said ship at any port, harbour, or place of discharge in Newfoundland, or the adjacent islands to his Majesty belonging, the master or person having the charge or command of the said ship is required and enjoined to deliver up the said licence to the collector, or other proper officer of his Majesty's customs there, and to endorse on the back thereof, the marks, numbers, and contents of each package of bread, flour, or Indian corn, and the description and sale of each sort and species of live stock, on penalty of one hundred pounds; and shall thereupon receive a certificate thereof from the said collector, or other proper officer of the customs.*

This licence to continue in force for calendar *months from the date hereof.*

Signed by us the at the
this day of
hundred and one thousand seven

*Licence to import bread, flour, Indian corn,
and live stock, the produce of the united
states of America, into Newfoundland.*

C A P. II.

An act to continue an act, made in the last session of parliament, intituled,
An act to prohibit, for a limited time, the exportation of hay,
25 Geo. 3. c. 61. further continued till one month after the commencement of the next session of parliament.

C A P. III.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-six, at 4s. in the pound: 2,037,647l. 9s. and a farthing: whereof to be raised in England 1,989,673l. 7s. and 10d. farthing; and in Scotland 47,954l. 1s. and 2d. by an eight months term of 5,994l. 5s. and 1d. three farthings, per annum. Clause of loan at 4l and 10s. per cent. per ann.

C A P. IV.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, An act for preventing certain instruments from being required from ships belonging to the united states of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants

inhabitants of the said united states; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intituled, An act to extend the powers of an act, made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the united states of America to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned.

23 Geo. 3. c. 39. 24 Geo. 3. c. 45. and 25 Geo. 3. c. 5. recited, and further continued until April 5, 1787.

C A P. V.

An act to regulate the exportation of hops to Ireland

25 Geo. 3. c. 74. sect. 12 recited. From March 6, 1786, British hops may be exported to Ireland, before duties paid, on giving proper notice, &c. It not exported agreeable to notice, a fresh notice to be given. Security to be given that the hops shall not be reloaded, &c. Exporter to make oath that he believes the duties have been duly charged, &c. Particulars to be complied with before any debenture shall be granted for a drawback. Collector to pay the drawback. Taking a false oath, &c. deemed perjury. Hops reloaded after giving security, &c. shall be forfeited. Act not to authorize exporting of hops to any place, or in any manner, not heretofore allowed; except as in this act is expressly provided. No additional drawback to be allowed. Penalties and forfeitures to be recovered as any penalty, &c. by the laws of excise, or by action in any of the courts of record at Westminster, or in the court of exchequer in Scotland; and one moiety to go to the King, and the other to the informer. Actions to commence three months next after the thing done, and to be laid in the proper county. Defendant may plead the general issue, and have treble costs.

C A P. VI.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-six. — Continued till June 24, 1787.

C A P. VII.

An act for the regulation of his Majesty's marine forces while on shore.

C A P. VIII.

An act to enable the persons therein named to provide proper places on shore for the reception of the crew of the Voorberg Dutch East Indianman, forced by stress of weather into the port of Dartmouth.

That it is necessary that some provision should be made for the relief of the people belonging to the Voorberg, a Dutch East India ship outward bound, which on her passage from Amsterdam was forced into the port of Dartmouth in great distress; and in consequence of the great fatigue suffered by the crew, they were become very sickly, many had died, and unless they were removed on shore many more would have died; therefore Arthur Holdsworth, esq; governor of Dartmouth castle, together with the mayor of Dartmouth, and the collector of the customs, or any two of them, empowered to take possession of waste grounds or commons, at a convenient distance from any inhabited house, or where such waste grounds, &c. were not sufficient, of any other ground, etc. not being a house, park, garden, orchard, yard, or planted walk, &c. for the purpose of erecting tents or sheds, for the reception of the crew of the said ship, paying such rate, rent, or consideration for the same, as shall be agreed on. If parties cannot agree on the rent, the same to be settled

tled by a jury at the quarter sessions, who are to be impanelled by the sheriff without fee or reward, and sworn to value the ground, &c.

C A P. IX.

An act to explain and amend an act of the last session of parliament, intituled, An act for granting to his Majesty certain duties on shops within Great Britain; for repealing several of the duties granted by the said act, and for granting other duties in lieu thereof.

Preamble.
53 Geo. 3.
c. 30.

WHEREAS several duties were granted upon shops, by an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties on shops within Great Britain: and whereas we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do think it will be for the advantage of the publick to repeal the duties upon shops, the yearly rent or value whereof shall be under thirty pounds, and to grant unto your Majesty the several new duties herein-after mentioned, to be applied to the uses and purposes which the said duties formerly granted are now applicable unto; we do therefore most humbly beseech Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of April, one thousand seven hundred and eighty-six, all the duties granted by the said act (except the duty thereby charged on any house, or other building or place, of the yearly rent or value of sixty pounds, and upwards) shall cease, determine, and be no longer paid or payable; except only such monies as shall become due in respect of the said duties assessed at any time on or before the said fifth day of April, one thousand seven hundred and eighty-six, and which shall be in arrear and unpaid.

From April 5,
1786, all du-
ties on shops,
in houses not
worth 30l. per
ann. repealed.

New duties.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of April, one thousand seven hundred and eighty-six, there shall be charged, raised, levied, and paid unto his Majesty, his heirs and successors, throughout Great Britain, the several and respective duties upon shops herein-after mentioned; that is to say,

For every
house, any
part of which
shall be used as
a retail shop,
worth 5l. per
ann. and un-
der 10l.—4d.
in the pound:
worth 10l.
and under 15l.
—8d. in the
pound:

For every house, or other building, now or hereafter to be erected, any part of which shall, for the time being, be used as a shop, publickly kept open for carrying on any trade, or for selling any goods, wares or merchandize, by retail, and upon every building or place used as a shop only, for the purposes before mentioned, of the yearly rent or value of five pounds, and under ten pounds, the yearly sum of four-pence in the pound of such rent or value:

For every such house, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly sum of eight-pence in the pound of such rent or value:

For

For every fuch houfe, or other building or place, of the worth 15*l*. yearly rent or value of fifteen pounds, and under twenty pounds, the yearly fum of one fhilling in the pound of fuch rent or value: and under 20*l*. — 1*s*. in the pound:

For every fuch houfe, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly fum of one fhilling and three-pence in the pound of fuch rent or value: and under 25*l*. — 1*s*. 3*d*. in the pound:

And for every fuch houfe, or other building or place, of the yearly rent or value of twenty-five pounds, and under thirty pounds, the yearly fum of one fhilling and nine-pence in the pound of fuch rent or value: and under 30*l*. — 1*s*. 9*d*. in the pound.

III. Provided always, and it is hereby enacted by the authority aforefaid, That no duty fhall be impofed, affeffed, or levied, by virtue of this, or of the faid recited a*ct*, for or in refpect of any fuch houfe or fhop, whereof the occupier or occupiers, by reafon of his, her, or their poverty only, is or are exempted from the actual payment of the ufual taxes, affeffments, and contributions towards the church and poor.

Poor perfons not paying to church and poor, exempted.

IV. And be it further enacted and declared by the authority aforefaid, That the faid duties by this a*ct* impofed, and alfo the arrears of the duties granted by the faid former a*ct*, fhall, together with the laid unrepealed duty of two fhillings in the pound on every fuch houfe, or other building or place, of the annual rent or value of thirty pounds, and upwards, be under the management of the fame commiffioners, and fhall be affeffed, raifed, levied, collected, paid, received, and applied, by fuch and the fame perfons, and for fuch and the fame purpofes, and in fuch and the fame form and manner, and with fuch and the fame allowances, and under fuch and the fame penalties, as by the faid recited a*ct* is prefcribed, with refpect to the duties thereby impofed; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, contained in the faid a*ct*, and not hereby altered or repealed, fo far as the fame were intended to take effect, and be executed after the faid fifth day of April, one thoufand feven hundred and eighty-fix, fhall be in full force, and be duly obferved, pra*ct*ifed, and put in execution throughout the kingdom of Great Britain, for raifing, levying, collecting, and paying, the feveral duties on fhops by this a*ct* granted, as fully and effectually, to all intents and purpofes, as if the fame, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this prefent a*ct*.

New duties, &c. to be under the fame management, and applied to the fame purpofes, as the former duties.

V. Provided always, and be it enacted, That, inftead of the oath required to be taken by the faid herein-before recited a*ct*, every commiffioner who fhall, from and after the faid fifth day of April, one thoufand feven hundred and eighty-fix, proceed to a*ct*, or begin to a*ct* in the execution of the faid former a*ct*, and of this a*ct*, fhall take the following oath:

Commissioners to take a new oath.

The oath.

I DO ſwear, That I will truly and faithfully execute the office of a commissioner for the duties on ſhops, and will determine upon all appeals which ſhall be brought before me, according to the beſt of my ſkill and knowledge.

And every aſſeſſor, or ſurveyor or inſpector authorized to act as aſſeſſor, ſhall, inſtead of the oath required to be taken by the ſaid herein-before recited act, take the following oath, or, being a Quaker, make the following affirmation:

Aſſeſſor's oath.

I DO ſwear, (or affirm, as the caſe may be), That in the aſſeſſment which I ſhall make upon every houſe, building, or place, liable to the duties on ſhops, within the diſtrict or pariſh for which I am appointed or authorized to act as aſſeſſor, I will rate each at the true annual value, according to the beſt of my ſkill and knowledge; and that I will truly and faithfully execute the duties reposed in me as ſuch aſſeſſor.

Which oaths, as alſo all and every other oaths which may be requiſite and neceſſary for carrying into execution this or the ſaid recited act, any two or more of the commiſſioners within each county, city, or place reſpectively, are hereby authorized to adminiſter.

Defendants may plead the general iſſue,

VI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, at any time or times, be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, or of any matter or thing in this act contained, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and if upon a trial a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become conſuited, then ſuch defendant or defendants ſhall have treble coſts to him or them awarded againſt the plaintiff or plaintiffs.

and recover treble coſts.

C A P. X.

An act for puniſhing mutiny and deſertion; and for the better payment of the army and their quarters.

From March 24, 1786, to March 25, 1787. Number of forces 17,638, including 2,030 invalids.

C A P. XI.

An act for enlarging the term of ſeveral acts of parliament, for the repair of Dover harbour.

11 & 12 Gul. 3. c. 5. 3 Annæ, c. 7. 4 Geo. 1. c. 13. 9 Geo. 1. 11 Geo. 2. 31 Geo. 2. c. 8. Former acts further continued for 21 years. Expences of this act to be paid out of money ariſing from rates or duties. To be a publick act.

C A P. XII.

An act for opening, making, widening, and altering certain ſtreets, paſſages, and places, within the town of Liverpool, in the county palatine of Lancaſter; for ſupplying the ſaid town with freſh and wholeſome water;

water; for removing and preventing nuſances and annoyances there- in; for appointing additional market places; and for extending ſo much of the powers of an act of the ſecond year of his preſent Majeſty, as relates to hackney coachmen, chairmen, carters, and porters, to a certain diſtance beyond the liberties of the ſaid town.

C A P. XIII.

An act to continue and render more effectual ſo much of an act, paſſed in the twenty-ſeventh year of the reign of his late majeſty King George the Second, as impoſes a duty on ſhips and veſſels anchoring in the harbour of Alloa, in the county of Clackmannan, for repairing the pier of the ſaid harbour.

C A P. XIV.

An act to prevent frauds and abuſes in the admeaſurement of coals, ſold by wharf meaſure, within the ſeveral pariſhes lying between Putney and Rotherhithe, both incluſive, in the county of Surry.

Preamble recites 19 Geo. 3. c. 35. & 7 Geo. 3. c. 23. A land coal-meter's office near Blackhiers bridge appointed, and five ſubordinate offices, to be managed by David Evans and John Burnett; ſubject to the controul of the quarter ſeſſions. Juſtices to adminiſter oaths. Appointing other meters in caſes of death or removal. Principal coal-meter to be ſworn. The oath, viz.

I A. B. do ſwear, [or, being of the people called Quakers, do ſolemnly affirm], That I will truly and faithfully, according to the beſt of my judgement and ability, execute the office of principal land coal-meter for the ſeveral wharfs ſituate between Putney and Saint Mary Rotherhithe, both incluſive, in the county of Surrey.

So help me GOD.

Labouring meters to be appointed, and deputies. Penalty on principal meters for not appointing, and on labouring meters for neglecting to attend. Labouring meter's oath, viz.

I A. B. do ſwear, [or, being of the people called Quakers, do ſolemnly affirm], That I will duly and faithfully, to the beſt of my ſkill and knowledge, execute the office of one of the labouring coal-meters for the ſeveral wharfs ſituate between Putney and Saint Mary Rotherhithe, both incluſive, in the county of Surrey, and that I will truly and impartially meaſure, or ſee meaſured, all coals between buyer and ſeller, without favour or hatred.

So help me GOD.

Meters not to be intereſted in the ſale of coals. Deputies neglecting to ſend a labouring meter, or labouring meters not attending on notice, to forfeit 40s. Stations of labouring meters to be varied. Coals to be meaſured in preſence of a labouring meter. Coal-meter's fee, 4d. per chaldron. Tickets to be delivered to the ſeller or carman, to contain the chriſtian and ſurname of the ſellers and conſumers, the quantity, day of the week, month, year of delivery, and admeaſurement; the amount of the metage charge, and the name of the carman, &c. Tickets to be delivered by labouring meter to carman, and by him to the conſumer. Labouring coal-meters reſuſing to deliver ticket to the carman, to forfeit 40s. and on the carman reſuſing to deliver it to the conſumer, 10s. Vender ſending coals unmeaſured or without a ticket, to forfeit 10l. Dimensions of ſacks to be 4 feet in length, and 2 feet in breadth; and for uſing falſe buſhel, to forfeit 5l. Wharfingers, &c. bribing meters, to forfeit 50l. Meters permitting deficient ſacks to be uſed, to forfeit 40s. or otherwiſe not performing their duty, 40s. and incapacitated. If the penalty is not paid within a month, it may be recovered from the principal.

principal. Exemptions with respect to water-works, or to coals bought and sold, or delivered by pool measure; if a meter is employed, to be paid 4d. per chaldron. Meters suffering coals to pass without being measured, to forfeit 5l. Carman permitting coals to be taken out of his cart, to forfeit 40s. or be imprisoned. Coals may be re-measured. Penalties on vender, meter, etc. if found to be short measure, 5l. per bushel short, by the vender, and 2s. 6d. by per bushel by the coal porter. Carman to be paid 2s. 6d. per h^r when stopped to re-measure coals; to be paid by the vender. Dealers offending under this act not liable to penalties of 3 Geo. 2. c. 26. etc. but as herein mentioned. Penalties and forfeitures if above 5l. to be recovered by action of debt, etc. in any court of record at Westminster, one moiety for the King and the other with costs to the prosecutor; and under 5l. to be by complaint to the justices of Surrey, one moiety to the informer, and the other to the poor of the parish; to be recovered by distress and sale of goods, and in default, 30 days' imprisonment. Persons aggrieved may appeal to the quarter sessions. No certiorari. Actions to commence 2 months next after fact, and to be laid in Surrey. The defendant may plead the general issue, and have full costs. Reserving the rights of the corporation of the city of London within Southwark. Publick act.

C A P. XV.

An act for augmenting and ascertaining the income of the rectors of the parish church and parochial chapel of Liverpool.

Recital of private act 10 & 11 Gul. 3. n^o. 36. 200l. annually paid the rectors since the act. Resolution of the vestry to make an addition of 200l. a year to the rectors, etc. The additional 200l. a year to be raised upon the occupiers of houses, etc. and to be regulated by the poor's rate of the preceding year. Power to levy the rate. The collectors are to account with the churchwardens on oath. In case the whole money collected shall not be received from the collector, a new rate to be made to make good the deficiency. Appeal to the quarter sessions. The provision by this act to be in lieu of tythes, etc. Not to deprive the rectors of surplice fees. The 200l. a year to be paid the rectors half-yearly. Power for rectors to sue for the same. Not to charge any poor persons or cottagers with the rates for the rectors, who are not chargeable with publick taxes; nor any inhabitant not renting 5l. a year. Saving clause to the patrons of the parish church and chapel. Clause respecting seats and pews in Saint Nicholas Chapel. Pews vested in the rectors. The inhabitants discharged from providing any house or garden for the rectors. Publick act.

C A P. XVI.

An act to explain and amend certain provisions of an act, made in the twenty-fourth year of the reign of his present Majesty, respecting the better regulation and management of the affairs of the East India company.

Preamble.

24 Geo. 3. c. 25. **W**HEREAS, by virtue of an act, made and passed in the twenty-fourth year of his present Majesty's reign, intituled, An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies; it is enabled, That whenever any vacancy of the office of governor general or president, or of any member of the council, shall happen in any of the presidencies of Fort William in Bengal, Fort Saint George, or Bombay respectively, the court of directors of the said united company shall proceed to nominate and appoint

points a fit person to supply such vacancy from amongst their covenanted servants in India, except to the office of governor general, or the office of governor or president of Fort Saint George, or Bombay, or of any commander in chief, to which several offices the said court of directors have liberty to appoint any other person or persons: and whereas a doubt may arise whether, according to the strict letter of the said act, the nominations and appointments, made or to be made by the said court of directors, of any of the covenanted servants of the said company to supply the vacant office of any counsellor or counsellors in any of the presidencies aforesaid, are or would be valid or effectual, unless such covenanted servants were actually resident in India at the times of the making of such nominations and appointments respectively: therefore, for obviating any such doubt, may it please your most excellent Majesty that it may enacted and declared; and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the nominations and appointments which have been, or shall hereafter be made by the said court of directors, for supplying any such vacancy or vacancies as aforesaid, of any person or persons under covenant, or who shall have been under covenant to serve the said united company in India, were and shall be accepted, held, and taken to have been and hereafter to be valid and effectual, wheresoever such persons were or may happen to be resident at the times of the making such nominations and appointments respectively.

Certain nominations of covenanted servants by the court of directors declared valid.

II. Provided always, and be it further enacted by the authority aforesaid, That the said court of directors shall not appoint any person to be of the council, in any of the said presidencies, (other than the governor general, or the governor or president, or commander in chief), who shall not, at the time of his appointment, have been twelve years at the least, in the whole, resident in India, in the civil line of the company's service; and if any such appointment other than as aforesaid shall be made, the same shall be null and void.

No person to be appointed of the council (except the governor general, etc.) who has not been 12 years in the civil line of service.

III. And whereas it is in and by the said act also enacted, That when and so often as the number of members of any of the councils of Fort William, Fort Saint George, or Bombay, shall by death or absence, or by reason of sickness, or otherwise, for fourteen days, be reduced to two, including the governor general, or president of such council, the person who shall stand senior in such provisional appointment as is therein before mentioned, or in case there shall be no such appointment, then the senior civil servant of the said company upon the spot shall be called to such council, and shall have a voice therein, in like manner as if he had been appointed thereto by the said directors: and whereas the said recited clause or provision hath been productive of difficulty and embarrassment: be it therefore further enacted by the authority aforesaid, That so much and such part of the said and recited act, as directs, that the senior civil servant of the company upon the spot shall, upon any of the occasions, or in any of the events aforesaid, be called to the council of any of the said

A clause in 24 Geo. 3. c. 25. recited,

said

said presidencies, or have voice therein, shall be, and the same is hereby repealed.

Temporary
counsellors
how to be ap-
pointed at
Fort William,
etc.

IV. And be it further enacted, That when and so often as the number of members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall, by death or resignation, be reduced to two, including the governor general, or the president of such council for the time being respectively, and there shall happen to be no person on the spot provisionally appointed to succeed to a seat in such council, the governor general and council within the presidency of *Fort William*, and the governor or president and council of *Fort Saint George*, and the governor or president and council of *Bombay*, within their respective presidencies, shall, and they are hereby severally required to call to such their respective councils such person from amongst the civil servants of the said company in such government or presidency respectively, who shall have been in the service of the said company in *India*, as a covenanted servant, for the space of twelve years, at the least, in the whole, as the said governor general and council, or governors or presidents and councils, in their several presidencies, shall severally and respectively think fit; and the person so called shall have a seat and voice in council, and continue to be a member thereof until the vacancy shall be duly supplied and filled, according to the directions of the said recited act, and this present act; and that every person who shall be so called by the said governor general and council, or governors or presidents and councils respectively, to a seat in the council of any of the said presidencies, shall be entitled, for the time he shall continue therein, to the salary and allowance annexed to that office or station, and shall and may continue to hold any other office or employment which he enjoyed at the time of his being called to a seat in council, it compatible therewith; or such office or employment shall and may be held by any deputy, approved and allowed by order in council, during the time of the person so called holding his seat at the council board, such deputy receiving the profits and emoluments thereof for his own use and benefit.

Part of the
recited act,
relative to
commanders
in chief, re-
pealed.

V. And whereas it is in and by the said recited act enacted, That the commander in chief of the company's forces in *India* for the time being shall have voice and precedence in the supreme council next after the governor general of *Fort William*; and that the commanders in chief at *Fort Saint George*, and *Bombay* shall respectively be of the council in the said respective presidencies: and whereas it may be expedient that any such commander in chief should not, by virtue of his said office, be a member of any of the said respective councils, unless he be specially appointed thereto: be it therefore enacted, That so much and such part of the said act as directs, that the commander in chief of the company's forces in *India* for the time being, or the commanders in chief in the presidencies or settlements of *Fort Saint George* and *Bombay*, shall, by virtue of their said respective offices, be a member or members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, respectively,

respectively, or have any voice or presidence therein, shall be, and the same is hereby repealed.

VI. Provided always, and be it enacted, That nothing in this or in any former act contained shall extend to preclude the court of directors of the said united company from appointing the commander in chief of the company's forces in India to be governor general or a member of the supreme council at Fort William in Bengal; or from appointing either of the said commanders in chief of Fort Saint George and Bombay, to be president or member of the council for the presidency wherein he shall so be the commander in chief; or to prevent or preclude the court of directors of the said company from appointing the governor general of Bengal, or any other member of the supreme council for the time being, to be the commander in chief of the company's forces in India; or from appointing either of the governors or presidents of Fort Saint George and Bombay, or any of the members of council of the said respective presidencies for the time being, to be commander in chief of the forces within the same presidency of which he shall be the governor or president, or a member of council, if the said court of directors shall think fit and expedient so to do.

Directors may appoint commander in chief to be governor general, etc. at Fort William; or commander in chief of Fort Saint George, or Bombay, to be president there, &c.

VII. And whereas it would tend greatly to the strength and security of the British possessions in India, and give energy, vigour, and dispatch to the measures and proceedings of the executive government within the respective presidencies, if the governor general of Fort William in Bengal and the several governors or presidents of Fort Saint George, and Bombay, were vested with a discretionary power of acting without the concurrence of their respective councils, or forbearing to act, according to their opinions in cases of high importance, and essentially affecting the publick interest and welfare, thereby substituting themselves personally to answer to their country for so acting or forbearing to act; be it therefore enacted, That when and so often as any measure or question shall be proposed or agitated in the supreme council at Fort William in Bengal, or in either of the councils of Fort Saint George and Bombay, whereby the interests of the said united company, or the safety or tranquillity of the British possessions in India, or any part thereof, are or may, in the judgement of the governor general, or of the presidents of such councils respectively, be essentially concerned or affected; and the said governor general, or such presidents respectively, shall be of opinion, that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended, or wholly rejected, and the several other members of such council then present shall differ in, and dissent from such opinion, the said governor general, or the president of such council, and the other members thereof, shall, and they are hereby directed forthwith mutually to exchange with, and communicate in council to each other in writing, under their respective hands, (to be recorded at large on their secret consultations), the respective grounds and reasons of their respective opinions; and if,

In extraordinary cases, the governor general, etc. may act without the concurrence of the council.

if, after considering the same, the said governor general, or the said presidents respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor general in the supreme council of *Fort William*, or for either of the said governors or presidents in their respective councils, to make and declare any order (to be signed and subscribed by the said governor general, or by the governor or president making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor general, or the said governors or presidents in their respective councils, shall think fit and expedient; which said last mentioned order and resolution, so made and declared, shall be signed, as well by the said governor general, or the governor or president, so making and declaring the same, as by all the other members of the council then present, and shall be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; any thing in the said former act contained to the contrary notwithstanding: and the said members of council, and all officers civil and military, and all other persons concerned, shall be, and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Governor general, etc. to be responsible.

VIII. And be it further enacted, That the said governor general, or the governor or president who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council, shall alone be held responsible for the same, and the consequences thereof.

Restriction of the powers given to the governor general, etc.

IX. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to give power to the said governor general of *Fort William* in *Bengal*, or to either of the said governors or presidents of *Fort Saint George* and *Bombay* respectively, to make or carry into execution any order or resolution which, before the passing of this act, could not have been lawfully made and executed with the concurrence of the councils of their respective governments or presidencies; any thing herein contained to the contrary notwithstanding.

Discretionary powers not to be exercised by any governor general, etc. who shall casually succeed to such office.

X. Provided also, and be it further enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give any discretionary power or authority of acting or forbearing to act, without the concurrence of the other members of council, unto any person on whom the said office of governor general, or the said office of governor or president, respectively, shall happen to devolve, by the death or resignation of any governor general, governor or president, for the time being respectively, unless such person shall have been provisionally appointed

pointed to succeed to such respective office by the court of directors of the said company, or unless and until he shall be afterwards confirmed in the said office by the said court; but that, during the time any of the said offices shall be so held and executed by any person, on whom the same shall have so casually devolved, unless he shall have been so provisionally appointed thereto, or until he shall be so confirmed therein as aforesaid, all matters, acts, orders, and resolutions of the respective council wherein such persons shall so preside, shall be determined by the majority of the council, in the like manner as if this act had not been made; any thing therein-before contained to the contrary notwithstanding.

XI. Provided also, and be it enacted, That nothing herein contained shall intitle the said governor general of *Fort William* in *Bengal*, or either of the governors or presidents of *Fort Saint George* and *Bombay*, respectively, to make or carry into execution any order or resolution without the concurrence of the councils of their respective governments, in any matter which shall come under the consideration of the said governor general and governors or presidents, and their councils respectively, in their judicial capacity, or with respect to the making or repealing or suspending any general rule, order, or regulation, for the good order and civil government of the said united company's settlements, or with respect to the imposing of any tax or duty within their respective governments or presidencies.

Certain cases in which the new powers shall not be exercised by the governor general, &c.

XII. And be it further enacted, That all orders and other proceedings of the said supreme council, and of the said councils of *Fort Saint George* and *Bombay*, respectively, shall in future be expressed to be made by the governor general in council, or by the governor or president in council, and not otherwise; and that the said orders and proceedings, previous to their being published in the respective presidencies, shall be signed by the chief secretary to the council of the presidency, or his deputy for the time being, by the authority of the governor general in council, or the governor or president in council; any act or usage to the contrary notwithstanding.

By whom the orders of the supreme council, &c. shall be expressed to be made.

XIII. And whereas the principle of promotion and advancement intended to be established by the said act, so far as relates to the civil line of the company's service in India, may be carried into effect with more convenience to the publick service in the manner herein-after directed; be it therefore further enacted, That all vacancies, happening in any of the offices, places, or employments, in the civil line of the company's service in India, (being under the degree of a member of the council), shall be from time to time filled up and supplied from amongst the servants of the said company belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this act contained, and no otherwise; any thing in the said former act contained to the contrary notwithstanding.

Vacancies in civil offices how to be supplied.

XIV. Provided always, and be it enacted, That in the filling up and supplying such vacancies, no office, place, or employment, Rules to be observed in filling up such vacancies.

ployment, the ſalary, perquiſites, and emoluments whereof ſhall exceed five hundred pounds *per annum*, ſhall be conferred upon or granted to any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of three years at the leaſt in the whole, antecedent to ſuch vacancy; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed one thouſand five hundred pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants who ſhall not have been actually reſident in *India*, in the ſaid ſervice, for the ſpace of ſix years at the leaſt in the whole, antecedent to ſuch vacancy; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed three thouſand pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of nine years at the leaſt in the whole; and if the ſalary, perquiſites, and emoluments of any office, place, or employment, ſhall exceed four thouſand pounds *per annum*, the ſame ſhall not be granted to or conferred upon any of the ſaid ſervants, who ſhall not have been actually reſident in *India*, in the company's ſervice, for the ſpace of twelve years at the leaſt in the whole, antecedent to ſuch vacancy; and that all appointments, advancements, and promotions, which ſhall be made for ſupplying any ſuch vacancies, other than as aforeſaid, ſhall be null and void.

No perſon to hold ſeveral offices to a greater amount than he is qualified to hold in a ſingle office.

XV. And be it further enacted, That no perſon ſhall for the future be capable of taking, in the civil line of the company's ſervice, two or more offices, places, or employments, the joint amount of the ſalaries, perquiſites, and emoluments of which ſhall exceed in the whole the annual ſalary, perquiſites, and emoluments reſpectively preſcribed in the regulations and reſtrictions before mentioned; any law or uſage to the contrary notwithstanding.

Members of the ſecret committee to be ſworn.

XVI. And whereas the ſaid court of directors for the time being are, in and by the ſaid recited act, required from time to time, to appoint a ſecret committee, to conſiſt of any number of the ſaid directors, not exceeding three, for the particular purpoſes in the ſaid act ſpecified, but no oath of ſecrecy was thereby provided or directed to be taken by the members of ſuch ſecret committee; be it therefore further enacted, That the oath of the members of the ſaid ſecret committee ſhall be of the tenor following; (that is to ſay),

The oath.

I A. B. do ſwear, That I will, according to the beſt of my ſkill and judgement, faithfully execute the ſeveral truſts and powers reſpoſed in me as a member of the ſecret committee, appointed by the court of directors of the united company of merchants of England trading to the Eaſt Indies; I will not diſcloſe or make known any of the ſecret orders or inſtructions which ſhall be given, communicated, or tranſmitted to me by the commiſſioners for the affairs of *India*, concerning the levying of war, or the making of peace, or treating or negotiating with any of the native princes or ſtates of *India*; ſave

only to the other members of the said secret committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorised by the said commissioners to depose and make known the same.

So help me GOD.

XVII. And be it further enacted, That the said oath shall be taken and subscribed by the present members of the said secret committee within fourteen days after this act shall have received his Majesty's assent; and that the future members of the said secret committee shall take and subscribe the said oath, before they shall respectively proceed to act in the execution of the powers and trusts to them given by the said former act, and this present act; and the said oath shall and may be administered by the several and respective members of the said committee to each other; and here-to by them taken and subscribed, the same shall be recorded by the secretary of the said court of directors for the time being, amongst the acts of the said court.

XVIII. And be it further enacted, That if the said secret committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret dispatches, orders, or instructions, required to be transmitted by them to India, under the direction of the said former act, the said dispatches, orders, and instructions, shall be transcribed and prepared, either by the secretary of the court of directors for the time being, or by the officer called *The Examiner of Indian Correspondence*, for the time being, and by no other person or persons, unless with the approbation and consent of the said commissioners for the affairs of India, or any two or more of them, for that purpose first had and obtained; and that as well the said secretary and examiner, as every other person who shall be intrusted with the transcribing or preparing any of such dispatches, orders, or instructions, shall, before they shall respectively enter upon that duty, take and subscribe, before two or more of the members of the said secret committee, an oath of secrecy, as near unto the tenor and form of the oath herein-before provided, and directed to be taken by the members of the said secret committee, as the case will admit; and the members of the said committee, or any two of them, are hereby authorised and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said secretary and examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the acts of the said court of directors.

XIX. And be it enacted, That this act shall take place and have commencement in Great Britain, immediately after this act shall have received his Majesty's royal assent; and shall take place and have commencement, in the several presidencies aforesaid.

Anno vicefimo ſexto GEORGH III. c. 17—20. [1786.

ſaid, and in the territories thereunto belonging, from the firſt day of *January* one thouſand ſeven hundred and eighty-ſeven.

Publick act. XX. And be it further enacted, That this act ſhall be, and ſhall be deemed and taken to be, a publick act.

C A P. XVII.

An act for paving, repairing, cleaning, lighting, and watching the ſtreets, lanes, ways, paſſages, and places, within the town of Tewkeſbury, and the precincts thereof, in the county of Glouceſter; for the removal of preſent, and prevention of future, encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and aſcertaining the rates of carriage; and for widening ſome part of the ſtreet called Church ſtreet, within the ſaid town.

C A P. XVIII.

An act for the more eaſy and ſpeedy recovery of ſmall debts within the town and borough of Deal, and the pariſhes of Ripple, Sutton, Northbourne, Great Mongeham, Little Mongeham, Tinsanſtone, Beſſingham, Ham, and Sholden, in the county of Kent.

The mayor, juſtice, recorder, and common council men of the town and borough of Deal, in the county of Kent, for the time being; and ſeveral other perſons named commiſſioners to hold a court to be ſtyled the court of requests in the town and borough of Deal. Commiſſioners to hold courts the firſt Monday in every month, and three of them to determine all cauſes where the demand is under 40s. and above 2s. except for rent where the title may come in queſtion, or teſtamentary or matrimonial cauſes, or any eccleſiaſtical matter, or for money won at gaming, or forfeitue on ſtatute or bye law, or where no promiſe or acknowledgment in fix years, with other uſual directions.

C A P. XIX.

An act to amend and render more effectual two acts, made in the ſixth year of the reign of Queen Anne, and the thirty-ſecond year of the reign of his late majeſty King George the Second, for erecting a workhouſe in the town and borough of Plymouth, in the county of Devon; and for ſetting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of Plymouth to contribute towards the county rates of Devon; and for applying for the relief of the poor in the ſaid workhouſe, certain ſurplus monies which have formerly ariſen by the aſſeſment for raiſing the land tax in the ſaid town; and for granting further power to the guardians of the poor of the town of Plymouth, in the county of Devon.

A private act of 6 Annæ, no. 6. recited. Act 32 Geo. 2. c. 39. recited.

C A P. XX:

An act to amend, and render effectual, two acts, of the ninth and ſixteenth years of his preſent Majeſty, for making and maintaining a navigable canal from the Coventry canal navigation to the city of Oxford.

Act 9 Geo. 3. c. 10. & 15 Geo. 3. c. 9. recited. Power to raiſe a further ſum of 60,000l. by the company of proprietors of the Oxford canal navigation, their ſucceſſors and aſſigns at intereſt, *chance* credit of the rates and duties, &c. Arrears of intereſt upon the ſhare due at Midſummer, 1785, made ſtock. Proprietors of ſhares to have ſuch dividends as the company ſhall direct, not exceeding 4l. per cent. per ann. till the canal is completed, and 30,000l. paid off, or 5 per cent. per ann. afterwards. Intereſt of the money borrowed to be paid, in preference to dividends

dividends upon the shares. Interest of the money borrowed by virtue of act 15 Geo. 3. to be first paid. Proprietors may become possessed of one hundred shares each. Power to convey water to the canal from Churchover. The restriction against conveying coals from the canal down the Iles. Charwell, and Thame towards London, varied, and coals, &c. may be carried to Reading.

C A P. XXI.

An act for repairing the highways and bridges in the county of Dumbarton.

The preamble recites that the powers granted by the law in Scotland, relative to highways and bridges, and the services in work and money authorized to be exacted, have been found insufficient to amend and keep in repair the roads and bridges within the county of Dumbarton; therefore it is enacted, That the said county be divided into six districts, viz. Row and Rolencath to meet at Row; Luls and Arqahar at Luls; Dumbarton, Cudroch, and Bonmill, at Dumbarton; Kilmarnock at Kulkhouse of Kilmarnock; Old Kilpatrick and New Kilpatrick at Old and New Kilpatrick alternately; Easter and Wester Lezrie at Cumbernauld and Kirkintilloch alternately. All persons in his own right, or in right of his wife, in actual possession, as proprietor or herenter, of lands in the said county, valued in the cess books at one hundred pounds Scots, valued rent, and the eldest son of every person possessed of two hundred pounds Scots of valued rent, as above, and the provost and eldest bailie of Kirkintilloch, and the baron bailie on the estate of Cumbernauld, one of the guardians and trustees of minors, and the factors or baron bailies of non-resident heritors, appointed trustees to put this act in execution.

C A P. XXII.

An act for the more easy and speedy recovery of small debts within the town and port of Sandwich, and vill of Ramsgate, and the parishes of Minster and Saint Lawrence, in the Isle of Thanet, Walmer Ash next Sandwich, Eastry, Wingham, Staple, Goodnestone next Wingham, Chulenden, Nonnington, Woodnesborough otherwise Winborow, Fethone, Word otherwife Worth, Elmestone, Preston next Wingham, Ickham, and Wickhambreux, in the county of Kent.

C A P. XXIII.

An act for the appointment of an additional overseer for the better government of the poor of the parish of Westbury, in the county of Wilts.

C A P. XXIV.

An act for building a new gaol and house of correction for the county of Salop, and the several boroughs, towns corporate, liberties, franchises, and places within the same; and for explaining and amending an act made in the twenty-third year of his present Majesty, intituled, An act for building a new shire hall and guildhall for the county of Salop, and the town of Shrewsbury, in the said county; and for the other purposes therein mentioned.

Justices of the peace of the county, and several boroughs, &c. appointed commissioners, but not to be interested. John Flint treasurer of the county to be treasurer to the commissioners, and Thomas Wingfield clerk of the peace for the county to be clerk to the commissioners, on giving security, and to have salaries, &c. Commissioners may treat for the purchase of lands, and incapacitated persons may treat for the sale of lands. Premises to be conveyed on payment of the purchase-money. In case of defect of title, etc. the sums awarded to be paid into the hands

of the treasurer, for the use of the parties interested. Money paid to any corporation, etc. to be invested in lands to be settled to the same uses. Meane profits may be recovered by the party intitled. If the parties neglect to treat, etc. the value to be settled by a jury, with the usual clauses for that purpose. Money to be raised by rates on the county, for building new gaol and house of correction. Assessors of the land tax to assess and levy the rate. Rate not more than 3s. in the pound on the whole, nor more than 6d. in the pound in any one year. Monies raised by this act to be applied first to pay the expences of the act, and then to put the same in execution. Commissioners to cause a gaol and house of correction for the county, boroughs, etc. to be built on or near the garden of Edward Pritchard near the castle of Shrewsbury. Commissioners to receive and take proposals, and make contracts for building a new gaol and house of correction, and may appoint a surveyor. Sub-committee may be appointed. Power to dig materials out of common and quarries, etc. That the apartments be so constructed that the males be separated from the females, both by night and day, and the debtor from the creditor according to the act, 14 Geo. 3. For obtaining a supply of fresh water, may erect an engine, etc. upon the river Severn. Not to prevent places usually supplied with water, from a continuance of such supply, etc. Recompence for damage to land in getting water. For securing a free circulation of air, no building, etc. (except of fences not more than 5 feet high) to be erected, nor swine kept within 5 yards of such gaol. Materials used in the commissions. Persons obstructing or damaging buildings, etc. to be punished. Power to remove prisoners to the new gaol, when completed. For removal of prisoners from other gaols and houses of correction. After the gaol and house of correction is finished, and monies due on that account are paid, the commissioners to pay the balance of their account to the treasurer, etc. to be disposed of by the justices at the quarter sessions. Gaol and house of correction, when completed, to be insured, and supported at the expence of the county, etc. No sum to be expended in repairing the gaol, exceeding 5l. without an estimate. Gaoler's and keeper's accounts to be produced, and settled at the quarter sessions. Boroughs, etc. not liable to any rate for insuring, etc. the new gaol. Justices' power over the new house of correction, etc. the same as now. Justices may appoint an apothecary and victuallers, and report to the sessions the state of the gaol, etc. Accidental damages may be repaired by order of a justice. Gaoler's salary at discretion of the justices. No allowance to be made to any person incapable of performing the office; except for age and infirmities, at the discretion of the justices, not more than 20l. per ann. to be deducted from the salary of the acting person. All laws applicable to the purposes of this act, to be extended to it. Penalties and forfeitures, not otherwise directed, to be recovered by distress and sale of goods. Persons aggrieved may appeal to the quarter sessions. Proceedings not to be qualified for want of form, etc. Persons prosecuted may plead the general issue, and have treble costs. Actions to commence six months after the fact is committed. Recital of 23 Geo. 3. c. 20. 18. 4d. in the pound being found insufficient, the further sum of 18. in the pound to be raised. Power for commissioners to make avenues to the shire-hall and guildhall in Shrewsbury complete.

C A P. XXV.

An act for settling all doubts which have arisen, or might arise, touching the exclusive power of the court of directors of the East India company to nominate and appoint the governor general and council of the presidency of Fort William in Bengal.

Preamble.

WHEREAS doubts have arisen, whether, on the nomination and appointment of a governor general, or any of the several other members

members of the council of the presidency of Fort William in Bengal, in the East Indies, under and by virtue of an act, passed in the twenty fourth year of his present Majesty's reign, intituled, An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies, his Majesty's approbation of the same, under his sign manual, be by law required, therefore, for removing all doubts respecting the same, may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty's approbation of the nomination and appointment of the governor general, and of the several other members of the council of the presidency of Fort William in Bengal, is not, nor shall be necessary to render such appointments respectively good and effectual in law; and that all nominations and appointments of any such governor general, or other member or members of the said council of Fort William, by authority of the court of directors of the said company, since the passing of the before-mentioned act, were good, valid, and effectual in the law, notwithstanding his Majesty's approbation of the same was not signified to the said company, or to the court of directors of the said company, under his Majesty's sign manual.

His Majesty's approbation of the appointment of governor general, etc. of Fort William not necessary.

C A P. XXVI.

An act to amend and render more effectual the several laws now in force for encouraging the fisheries carried on at Newfoundland, and parts adjacent, from Great Britain, Ireland, and the British dominions in Europe; and for granting bounties for a limited time, on certain terms and conditions.

WHEREAS the bounties granted to a certain number of vessels employed in the British fishery on the banks of Newfoundland, by an act passed in the fifteenth year of the reign of his present Majesty, intituled, An act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the British dominions in Europe; and for securing the return of the fishermen, sailors, and others employed in the said fisheries, to the ports thereof at the end of the fishing season, will expire on the first day of January, one thousand seven hundred and eighty-seven; and whereas, at the expiration thereof, it is expedient that new bounties should be granted, for a limited time, under certain conditions, limitations, and restrictions: and whereas it has been found by experience, that several of the provisions and regulations contained in the laws now in force for encouraging the fisheries, carried on at Newfoundland, and parts adjacent, are insufficient to answer the good purposes thereby intended, and that it is requisite that other provisions and regulations should be enacted: to that end, be it therefore enacted by

Preamble.

15 Geo. 3.
c. 31.

After Jan. 1,
1787, boun-
ties to be giv-
en to vessels
fitted out
from Great
Britain, &c.
for the New-
foundland
fishery,

qualified, etc.
agreeable to
10 & 11 Gul. 3.
c. 25.

Bounties to
be paid the
first 100 ves-
sels which
shall arrive
at Newfound-
land with a
cargo of fish :

ditto to the
second 100
vessels which
shall arrive.

the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *January*, one thou- sand seven hundred and eighty-seven, the respective bounties herein-after mentioned shall be paid and allowed annually, for ten years, to a certain number of ships or vessels employed in the *British* fishery on the banks of *Newfoundland*, under the limita- tions and restrictions herein-after expressed; that is to say, That such vessels shall appear by their register to be *British*-built, and wholly owned by his Majesty's subjects residing in *Great Britain, Ireland, or the islands of Guernsey, Jersey or Man*; and shall be navigated each with a master, and at least three fourths of the mariners being *British* subjects, usually residing in his Majesty's *European* dominion; and shall be in other respects qualified and subject to the same rules and restrictions as are prescribed by an act, made in the tenth and eleventh years of the reign of King *William the Third*, intituled, *An act to encourage the trade to Newfoundland*; and shall be fitted and cleared out from some port in *Great Britain, or from the islands of Guernsey, Jersey, or Alderney*, after the said first day of *January*, one thou- sand seven hundred and eighty-seven, and after that day in each succeeding year, and shall proceed to the banks of *Newfound- land*; and having catched a cargo of fish upon those banks, consisting of not less than ten thousand fish by tale, shall land the same at any one of the ports on the north, the east, or the south side of the island of *Newfoundland*, between *Cape Saint John* and *Cape Rave*, on or before the fifteenth day of *July* in each year, and shall make one more trip, at least, to the said banks, and return with another cargo of fish catched there, to the same port: in which case, the one hundred vessels which shall first arrive at the island of *Newfoundland* from the banks thereof, with a cargo of fish catched there, consisting of ten thousand fish by tale, at the least, and which, after landing the same at one of the ports within the limits before mentioned in *Newfoundland*, shall proceed again to the said banks, and return to the said island with another cargo of fish, shall if navigated with not less than twelve men each, be intituled to forty pounds each; but if any of the said one hundred vessels, so first arriving as aforesaid, shall be navigated with less than twelve men each, and not less than seven, they shall be intituled to twenty-five pounds each: provided always, That if, in either of the cases before mentioned, any of the one hundred vessels, so first arriv- ing as aforesaid, shall be wholly navigated by men going out upon shares, that is to say, receiving a certain share of the profits arising from the voyage in lieu of wages, such of the said vessels as shall be so navigated by not less than twelve men each, shall be intituled to fifty pounds each; and if so navigated with a less number than twelve men, and not less than seven, shall be intituled to thirty-five pounds each. And further, that the one hundred vessels which shall next to arrive in order of

time, on or before the ſaid fifteenth day of *July* in each year, at the ſaid iſland, with a like cargo, and ſhall proceed again to the ſaid banks, and return from thence in the manner herein-before mentioned, ſhall, if navigated with not leſs than twelve men each, be intitled to twenty-five pounds each; but if ſuch one hundred veſſels, ſo arriving as aforeſaid the next in order of time, ſhall be navigated each with leſs than twelve, and not leſs than ſeven men, they ſhall be intitled to eighteen pounds each: provided alſo, That if, in either of the caſes laſt mentioned, any of the veſſels ſo arriving next in order of time as aforeſaid, ſhall be ſo navigated wholly by men going out upon ſhares, that is to ſay, receiving a certain ſhare of the profits ariſing from the voyage in lieu of wages, ſuch of the ſaid veſſels as ſhall be ſo navigated by not leſs than twelve men each, ſhall be intitled to thirty-five pounds each; and if ſo navigated with a leſs number than twelve men, and not leſs than ſeven, ſhall be intitled to twenty-one pounds each; upon the maſter or owner of every ſuch veſſel reſpectively producing to the collector or other principal officer of his Maſteſty's cuſtoms, at the port in *Great Britain* from whence ſuch veſſel was cleared out, or if cleared out from either of the ſaid iſlands of *Guernſey*, *Jerſey*, or *Alderney*, to the collector, or other principal officer of the cuſtoms in ſome port of *Great Britain*, a certificate, under the hand and ſeal of the governor of *Newfoundland*, that the maſter of ſuch veſſel had produced to him a certificate, under the hands of the collector and comptroller of the cuſtoms at the port from whence ſuch veſſel was cleared out, or if cleared out from the iſlands of *Guernſey*, *Jerſey*, or *Alderney*, under the hands of the governor, or deputy governor, and principal officer of the cuſtoms there, teſtifying that ſuch veſſel was duly qualified to proceed on ſuch fiſhery in perſuance of the before recited act, made in the tenth and eleventh years of the reign of King *William the Third*; and that it has been made to appear to his ſatisfaction, by a certificate under the hand and ſeal of the naval officer of the diſtrict in *Newfoundland* where ſuch fiſh was landed, or, where there is no naval officer, under the hand and ſeal of the commander of any of his Maſteſty's ſhips ſtationed there, or of ſuch officer as the governor ſhall approve, ſpecifying the time of ſuch veſſel's arrival in manner before directed, that ſuch veſſel was intitled, by the priority and time of her arrival, to one or other of the bounties therein mentioned, as the fact may be; and that the maſter and mate of ſuch veſſel had made oath, before ſuch naval or other officer as aforeſaid, that the number of fiſh taken on the firſt trip amounted to ten thouſand at leaſt by tale; that he had made two trips at leaſt, and that all the fiſh on both trips were criſhed on the banks of *Newfoundland* by the crew of ſuch veſſel only; which certificate and oath the ſaid governor, and naval or other officer as aforeſaid, are hereby impowered and required to grant and adminiſter to the maſter and mate of ſuch veſſel, without fee or reward; and upon delivering up the ſaid certificate to ſuch collector, the reſpective bounties therein men-

Certificates to be produced to the collector of cuſtoms from the governor of *Newfoundland* of the qualification of ſhips, etc.

Maſters and mates to make oath.

Collectors of cuſtoms to pay the bounties.

tioned shall be paid by fuch collector in fuch and the like manner, and out of the fame funds, as the bounties herein-before mentioned to have been granted by the laid recited act, in the in the laid fifteenth year of the reign of his prefent Majesty.

Number of
mariners be-
longing to
each veffel to
be reported to
the collector
of the bounty
of the bounty.

II. And be it further enacted by the authority aforefaid, That in each and every certificate of a fhip being duly qualified as aforefaid to proceed on the faid fifhery, there fhall be inferted the real number of the mariners, then belonging to fuch veffel, and intended to be employed in the faid fifhery, diftinguifhing how many of them are new or green men, and whether they are hired upon fhares, or are to receive wages; which facts are to be verified on the oath of the mafter of the veffel, made or taken before the perfon who fhall grant the faid certificate, and who is hereby authorized and required to adminifter the fame, and to infert fuch facts in fuch certificate; and if fuch veffels fhall be cleared out from the faid iflands of *Guernfy*, *Jerfey*, or *Mallorcy*, then fuch oath fhall be taken before a magiftrate of the royal court, in the prefence of the principal officer of the customs who fhall grant fuch certificate, the whole to be attested by the governor of each of the faid iflands refpectively; on failure whereof, fuch veffels fhall be excluded from the benefit of this act, and fhall not be intitled to or receive any of the bounties herein-before granted.

Certificates
given and af-
firmed taken
in Newfound-
land, when to
be transmitt-
ed to the col-
lector.

III. And be it further enacted by the authority aforefaid, That the feveral certificates to be given and affidavits taken in *Newfoundland* as aforefaid, in order to fatisfy the laid governor of the faid ifland, as to the facts to ground his certificate thereupon, as hereto before directed, for the payment of the faid bounties, fhall and are hereby required, within the diftrict of *Saint John's* in the faid ifland of *Newfoundland*, to be transmitted to the laid governor at *Saint John's*, before the fifteenth day of *September* in each year, and within any other diftrict in the faid ifland before the thirtieth day of *September* in each year, in order that he may perfectly examine the documents, and thoroughly investigate the fame, fo as to be able clearly and juftly to settle the times of the arrivals as aforefaid of the feveral and refpective veffels, and adapt the different bounties, and to whom they are and ought feverally to be paid.

Mifters of
veffels, previ-
ous to receiv-
ing the boun-
ties to make
oath relative
to the number
of their men
returned.

IV. And be it further enacted by the authority aforefaid, That every mifters of a veffel, entitled to any of the bounties herein-before granted, fhall, before he fhall receive the fame, or any part thereof, make oath before the collector and comp-troller, or other chief officer at the port in *Great Britain* where he fhall arrive on his return from the faid fifhery upon the banks of *Newfoundland*, that all the men belonging to his fhip who failed out with him, or a number of men equal thereto, are returned to *Great Britain*, unlefs any of his crew fhall have died at *Newfoundland* or in the faid voyage, either on the paffage out or return home, or have deferted without his knowledge or confent, or have been shipped in or on board *British* veffels bound for foreign markets, which facts fhall alfo be verified on

oath by every such master, before the said officers or officer of the customs, who are respectively hereby authorised and required to administer the same.

VI. And whereas, by the said recited act, made in the fifteenth year of the reign of his present Majesty, it is enacted, That no hirer or employer shall pay or advance to any seaman or fisherman, or either of them, during the time he shall be in his service, more than half the wages which shall at any time be due to him: and whereas, in the case of green men, the advance of one half of the wages may not always be sufficient to fit them out and clothe them for the season; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the hirer or employer of any such green men engaged in the said fishery, to advance to any such green man, during the time he shall be in his service, a sum not exceeding two pounds ten shillings, although the same shall amount to more than one half of the wages which shall be due to him, provided a sum equal to the then current price of a man's passage home, not exceeding forty shillings for each man, be reserved to bear the charge of his return home, as directed by the said before recited act of the fifteenth year of his present Majesty's reign.

What proportion of their wages shall be advanced to green men during the time of their service.

VII. And whereas in and by the said recited act, made in the fifteenth year of his present Majesty's reign, it is directed, That in case any seaman or fisherman shall at any time wilfully absent himself from his duty or employ, without the leave and consent of his hirer or employer, or the agent of such hirer or employer, or shall wilfully neglect or refuse to work, according to the true intent and meaning of his contract or agreement, he shall, for every day he shall so absent himself or neglect or refuse to work, forfeit two days pay to such owner or employer: and whereas the said penalties have been found insufficient; be it therefore enacted, That, where any such seaman or fisherman shall wilfully absent himself from his duty or employ, without the leave or consent of his hirer or employer, or shall wilfully neglect or refuse to work, for the space of one day, he shall, for every day he shall so absent himself, or wilfully neglect or refuse to work, forfeit any number of days pay not exceeding five, as the said governor of Newfoundland, or his surrogate, may think just and reasonable; and such forfeiture shall be paid to the hirer or employer of such seaman or fisherman, in recompence for the loss or damage which he may have sustained by means of, or through such absence, neglect of duty, or refusal to work.

Penalty on seamen, &c. absenting themselves from or neglecting their employ.

VIII. And be it further enacted by the authority aforesaid, That, before any oil or blubber, imported from Newfoundland into Great Britain, shall be admitted to entry duty-free, the master, or other person having or taking the charge or command of the ship or vessel importing the same, shall make oath before the collector, or other chief officer of the customs at the port in Great Britain into which the said oil or blubber is imported, (who is hereby authorised and required to administer such oath,) that the same, and every part thereof, is really and

sworn before oil or blubber admitted to entry duty-free.

bona fide the oil or blubber of fiſh or creatures living in the ſea, actually caught and taken on the banks and ſhores of the iſland of *Newfoundland*, and parts adjacent, wholly by his Maſteſty's ſubjects carrying on the ſaid fiſhery from his Maſteſty's *European* dominions, and uſually reſiding in the ſaid dominions; any law, cuſtom, or uſage, to the contrary notwithstanding.

A ſimilar
oath to be
taken relative
to ſeal ſkins.

VIII. And be it further enacted by the authority aforeſaid, That, before any ſeal ſkins, imported from *Newfoundland* into *Great Britain*, ſhall be admitted to entry duty-free, the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel importing the ſame, ſhall make oath before the collector, or other chief officer of the cuſtoms at the port in *Great Britain* into which ſuch ſeal ſkins are imported, (who is hereby authorized and required to adminiſter ſuch oath), that the ſame are really and *bona fide* the ſkins of ſeals actually caught and taken on the banks and ſhores of the ſaid iſland of *Newfoundland*, and parts adjacent, wholly by his Maſteſty's ſubjects carrying on the ſaid fiſhery from his Maſteſty's *European* dominions, and uſually reſiding in the ſaid dominions; any law, cuſtom, or uſage, to the contrary notwithstanding.

Clause rela-
tive to oil,
etc. purchaſ-
ed at *New-*
foundland
and imported
from thence
into *Great*
Britain.

IX. And be it further enacted by the authority aforeſaid, That, in caſe any oil, blubber, or ſeal ſkins, ſhall be purchaſed in the ſaid iſland of *Newfoundland*, or the parts adjacent, and imported into *Great Britain* from thence, the ſame ſhall and may be admitted to entry duty-free, provided the maſter, or other perſon having or taking the charge or command of the ſhip or veſſel importing the ſame, ſhall make oath of all and every the particulars reſpecting the purchaſe thereof, before the collector or other chief officer of the cuſtoms at the port in *Great Britain* into which ſuch oil, blubber, or ſeal ſkins, are imported, (who is hereby authorized and required to adminiſter ſuch oath); and ſhall produce and deliver to ſuch collector, or other chief officer, a certificate, under the hand and ſeal of the naval officer of the diſtrict in *Newfoundland* where ſuch oil, blubber, or ſeal ſkins, were purchaſed; or if there ſhall not be any naval officer at ſuch place, then under the hand and ſeal of the commander of any of his Maſteſty's ſhips, ſtationed there, teſtifying that oath had been made before him, (who is hereby authorized and required, in ſuch caſe, to adminiſter the ſame), by the perſon or perſons who actually caught the fiſh from which the oil, blubber, or the ſeals from which the ſkins mentioned in ſuch certificate was produced or came, that ſuch oil or blubber was really and *bona fide* the oil or blubber of fiſh or creatures living in the ſea, or that ſuch ſkins were really and *bona fide* the ſkins of ſeals, actually caught and taken on the banks and ſhores of the iſland of *Newfoundland*, and parts adjacent, wholly by his Maſteſty's ſubjects carrying on the ſaid fiſhery from his Maſteſty's *European* dominions, and uſually reſiding in the ſaid dominions: and provided ſuch maſter, or other perſon having or taking the charge or command of the ſhip or veſſel ſo importing ſuch oil, blubber, and ſeal ſkins, ſhall alſo make oath, before

before such collector or other chief officer, (who is hereby authorized and required to administer the same), that the oil, blubber, or seal skins so imported, are the same oil, blubber, or seal skins, mentioned and referred to in the said certificate.

X. And be it further enacted by the authority aforesaid, That, upon the importation of any foreign salt into this kingdom from any place from whence, and in the manner in which such salt may be legally imported, the importer or proprietor of such salt shall be at liberty to give bond to his Majesty, his heirs and successors, for the payment of the duty commonly called *The Old Subsidy*, and all further subsidies, imposts, and duties, due and payable to and for the customs upon such salt, within the space of twelve calendar months from the date of such bond, but without any discount or allowance for prompt payment of the said duties, or either of them; which bond the collector and comptroller of his Majesty's customs at the port of importation are hereby authorized to take in his Majesty's name, and thereupon to permit such salt to be entered and landed in the usual manner; and if such salt shall be exported again within the said space of twelve calendar months, the bonds which shall have been given for the said duties thereon, shall be cancelled and discharged; and in case the full duties payable to the customs for such salt shall have been paid at or before the expiration of the said twelve calendar months, and such salt shall be afterwards exported into foreign parts within the time allowed by law, a drawback of all the said duties which were so paid shall be allowed in the same manner as the former drawback of the customs upon the exportation of salt was, could, or might be paid; and such salt shall be subject and liable to the same rules, regulations, restrictions, securities, penalties, and forfeitures, (except where any alteration is made by this act), as such salt was subject and liable to by any act or acts of parliament in force before the making of this act.

Bond to be given to his Majesty for payment of the old subsidy, etc. on the importation of salt.

Such bonds to be cancelled, etc. on exportation thereof within 12 months.

XI. And be it further enacted by the authority aforesaid, That it shall not be lawful to or for any person or persons concerned or employed in carrying on the said fishery, or for any seaman or fisherman hired for the purpose of carrying on the said fishery, to use, or cause to be made use of, on the shores of the said island of *Newfoundland*, any sear or net of any kind or description whatsoever, for the purpose of catching cod fish by hauling such sear or net on shore, or tucking such sear or net into any boat or boats, the scale or mesh of which said sear or net shall be less in dimension than four inches, under the penalty of forfeiting the sum of one hundred pounds for every such offence; which offence may be heard and determined, and the penalty hereby incurred shall and may be recovered in the court of session of the said island, provided that such offence be complained of within the space of three calendar months after the commission of the same.

Not to use any sear or net for catching cod whose mesh is less than four inches in dimension.

XII. And whereas it is essential to the naval strength of Great Britain, that the desertion of seamen and fishermen employed in the fishery

fishery

fiſhery of Newfoundland, and the parts adjacent, ſhould be prevented: and whereas, by reaſon of their ſuperior ſkill as ſeamen and fiſhermen, and as artiſicers of the implements and utenſils neceſſary to the carrying on of ſuch fiſheries, they are, by great temptations, expoſed to be ſeduced into the ſervice and employ of the ſubjects of foreign ſtates: and whereas the regulations and provisions made in and by an act, paſſed in the ſixteenth year of his preſent Maſteſty's reign, hereinbefore mentioned, are not ſufficient to prevent the diſertion of ſuch ſeamen and fiſhermen to the ſervice of the ſubjects of foreign ſtates; be it therefore enacted by the authority aforeſaid, That if any ſeaman or fiſherman, hired or employed in the carrying on of the ſaid fiſhery, ſhall deſert from the ſaid iſland of Newfoundland, or from the ſaid fiſhery, with intent to enter into the ſervice of any foreign ſtate, or of any of the ſubjects of any foreign ſtate, or ſhall have in any wiſe agreed ſo to abſent himſelf or deſert with ſuch intent, or ſhall have actually entered into ſuch ſervice as aforeſaid, it ſhall and may be lawful to and for the governor of Newfoundland, or his ſurrogates, or for the judge of the vice admiralty court for the time being, or for any juſtice of the peace in Newfoundland reſpectively, to iſſue his or their warrant or warrants to apprehend ſuch perſon ſo deſerting, or having agreed to deſert as aforeſaid, and on the oath or oaths of one or more credible witneſſes, to commit him to priſon, there to remain until the next court of ſeſſion which ſhall be holden in purſuance of the commiſſion of the governor for the time being; and if found guilty of the ſaid offence at ſuch ſeſſion, that it ſhall and may be lawful to and for the ſaid court of ſeſſion to order ſuch deſerter as aforeſaid to be detained in priſon, without bail or mainprize, for any time not exceeding three months, in caſe he ſhall have come from his Maſteſty's European dominions for the purpoſe of carrying on the fiſheries aforeſaid.

If any British ſeaman, etc. ſhall deſert or agree to deſert from Newfoundland, with intent to enter into the ſervice of any foreign ſtate, he may be committed, etc.

and ſent home:

XIII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful for ſuch governor, within the ſpace of three months, if he ſhall ſee fit, or as ſoon after as conveniently may be, to cauſe every ſuch perſon ſo having deſerted, or agreed to deſert, to be put on board a paſſage ſhip or veſſel, in order to his being conveyed back to the country to which he belonged, and for which the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall be paid in manner herein-after mentioned; and every maſter, or other perſon having or taking the charge or command of ſuch paſſage ſhip or veſſel, ſhall be, and is hereby required to take on board ſuch and ſo many of ſuch perſons as the ſaid governor ſhall direct, not exceeding four for each one hundred tons of the tonnage of ſuch ſhip or veſſel, and ſo in proportion for every ſuch ſhip or veſſel under one hundred tons: provided nevertheless, That no perſon ſhall be put on board of any ſhip or veſſel which ſhall not be of the burthen of forty tons: but if any perſon or perſons convicted of deſerting or agreeing to deſert as aforeſaid, ſhall not have come from

but if not from his Maſteſty's Euro-

from his Majesty's European dominions for the purpose of carrying on the fisheries aforesaid, then, and in such case, that it shall and may be lawful for the said court of session to commit such person or persons to prison, there to remain, without bail or mainprize, for any time not exceeding twelve calendar months.

pean dominions he may be imprisoned for 12 months.

XIV. And whereas it is of great importance to the trade, manufacture, and navigation of Great Britain, and of his Majesty's dominions in Europe, that his trade and mercantile intercourse between his Majesty's subjects, residing or carrying on fishery in the island of Newfoundland with the subjects of any foreign state, should be prohibited: and whereas it is essentially necessary to the preservation of the benefits arising from the fishery aforesaid, to prevent the sale of any ships, vessels, or boats, or of the tackle, apparel, or furniture of the same, and of all and all manner of utensils and implements, which are or may be used in catching and curing fish, and also of all articles and commodities of the growth, produce, and manufacture of the said island of Newfoundland, to the subjects of any foreign state, or to any other than the subjects of his Majesty, his heirs and successors, and also to prohibit the purchase of any goods or commodities whatsoever, from the subjects of any foreign state; be it therefore enacted by the authority aforesaid, That it shall not be lawful for any person or persons, residing in or carrying on fishery in the said island of Newfoundland, or on the banks thereof, there to sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used or which may be used by any ship, vessel, or boat; or any seals, nets, or other implements or utensils, used or which may be used in catching or curing fish, or any kind of bait whatsoever used or which may be used in the catching of fish; or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood, or timber, to or with any person or persons whatsoever, other than the subjects of his Majesty, his heirs and successors.

Fishermen at Newfoundland not to sell or barter any vessel, etc. to or with any foreigner.

XV. And be it further enacted by the authority aforesaid, That if any person or persons, residing or carrying on fishery in the said island of Newfoundland, shall there sell, barter, or exchange, or cause to be sold, bartered, or exchanged, or shall endeavour to sell, barter, or exchange, or shall be aiding or assisting in selling, bartering, or exchanging, or causing to be sold, bartered, or exchanged, any such ship, vessel, boat, or any tackle, apparel, or furniture, used or which may be used for the purpose of navigating any ship, vessel, or boat; or any seals, nets, or other implements or utensils, used or which may be used in catching or curing fish; or any kind of bait whatsoever used or which may be used in catching fish; or any fish, oil, blubber, seal skins, fuel, wood, or timber, to any person or persons, being the subjects of any foreign state, it shall and may be lawful to and for the governor of Newfoundland, or his surrogates, or for any justice of the peace in Newfoundland, to issue his or their warrant or warrants to apprehend every such offender, and, on the oath of one or more credible witnesses or witnesses, to commit

Offenders herein to be committed:

and to forfeit
treble the value
of the articles
sold, etc.

mit him to priſon, there to remain until the next court of ſeſſion which ſhall be holden in purſuance of the commiſſion of the ſaid governor for the time being; and all and every ſuch perſon or perſons, if found guilty of the ſaid offence at ſuch ſeſſion, ſhall forfeit and pay treble the value of the articles ſo ſold or cauſed to be ſold, or attempted to be ſold as aforeſaid, or bartered or taken in exchange, or in the ſelling, bartering, or exchanging of which, or cauſing to be ſold, bartered, or exchanged, ſuch perſon or perſons was or were aiding or aſſiſting, and the ſame ſhall be levied of the offender's goods and chattels, by warrant to be granted by the ſaid court of ſeſſion for that purpoſe; and in caſe no goods upon which ſuch diſtreſs can be made ſhall be found, then it ſhall and may be lawful for the ſaid court to order ſuch perſon or perſons to be puniſhed and dealt with in the ſame manner as is herein-before directed with reſpect to deſerters or perſons agreeing to deſert.

Such fiſhermen not to purchase any goods of, or to barter with foreigners for the ſame.

Offenders to be committed, and to forfeit treble the value of the goods.

XVI. *And whereas it is highly injurious to the trade and manufactures of his Maſteſty's dominions in Europe, that perſons reſiding or carrying on fiſhery in the iſland of Newfoundland, or parts adjacent, or on the banks of the ſaid iſland of Newfoundland, ſhould be ſupplied with any goods or commodities whatſoever by the ſubjects of any foreign ſtate; be it therefore enacted by the authority aforeſaid, That no perſon or perſons, reſiding or carrying on fiſhery in the iſland of Newfoundland, or parts adjacent, or on the banks of the ſaid iſland of Newfoundland, ſhall there purchase, or take in exchange, or by way of barter, or cauſe to be purchased, or taken in exchange, or by way of barter, or be aiding or aſſiſting in the purchasing, bartering for, or taking in exchange, any goods or commodities whatſoever, from any perſon or perſons being a ſubject or ſubjects of any foreign ſtate; and that every perſon or perſons reſiding or carrying on fiſhery in the ſaid iſland of Newfoundland, or parts adjacent, or on the banks of the ſaid iſland of Newfoundland, who ſhall there purchase, barter for, or take in exchange, or ſhall cauſe to be purchased, bartered for, or taken in exchange, any ſuch goods or commodities in manner aforeſaid, ſhall be apprehended and committed to priſon, and, on due conviction before the court of ſeſſion, ſhall forfeit treble the value of ſuch goods or commodities ſo purchased, or taken in barter, or exchange, or procured to be purchased, or taken in barter or exchange, or in the purchase, barter, or taking of which in exchange, ſuch perſon ſhall have been aiding or aſſiſting, and the ſame ſhall be levied of the offender's goods and chattels, by warrant to be granted by the ſaid court of ſeſſion for that purpoſe; and in caſe no goods upon which ſuch diſtreſs can be made ſhall be found, then it ſhall and may be lawful for the ſaid court to order ſuch perſon or perſons to be puniſhed and dealt with in the ſame manner as is herein-before directed with reſpect to deſerters or perſons agreeing to deſert.*

Not to extend
to the impor- XVII. *That nothing herein contained ſhall extend, or be conſtrued to extend, to hinder or prevent bread,*

bread, flour, *Indian* corn, and live ſtock, from being imported into the ſaid iſland of *Newfoundland* in certain *Britiſh* veſſels, in purſuance of an act paſſed in this preſent ſeſſion of parliament.

XVIII. And be it further enacted by the authority aforeſaid, That the ſum for which the ſaid governor ſhall agree with the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel, for the paſſage of any perſon or perſons from the ſaid iſland, to the place or places to which he or they belonged, ſhall in no caſe exceed the ſum of forty ſhillings for each perſon, and ſhall be paid to the maſter of ſuch ſhip or veſſel out of the monies which ſhall ariſe from forfeitures incurred for any offence committed againſt this act, or the acts herein-before recited, upon ſuch maſter producing, to the ſaid court of ſeſſion, a certificate, under the hand and ſeal of ſuch governor, of the numbers and names of the perſons reſpectively taken on board reſpectively, and of the times they were taken on board reſpectively, and the ſeveral ſums agreed to be paid as aforeſaid; which ſums the court or ſeſſion are hereby required to cauſe to be paid to ſuch maſter, if ſufficient funds for that purpoſe ſhall remain in the hands of the ſaid court.

XIX. And be it alſo enacted by the authority aforeſaid, That if no ſufficient fund for the payment of any ſum or ſums, ſo agreed upon as aforeſaid, ſhall remain in the hands of the ſaid court of ſeſſion, then and in ſuch caſe every ſuch maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, who ſhall have taken on board any number of perſons by order of the governor, in manner herein-before directed, upon producing a certificate under the hand and ſeal of the ſaid governor, in manner herein-before directed, and making an affidavit at his return, ſetting forth the time during which he ſubſiſted ſuch perſon or perſons, and that he did not, during that time, want any of his own complement of men, or how many he did want of ſuch complement, and for what time, ſhall receive from the commiſſioners of the navy for the time being (who are hereby required to cauſe the ſame to be paid) fixpence *per diem* for the paſſage and provisions of ſuch perſon or perſons from the day of their embarkation homewards to the day of their arrival in *Great Britain*, the ſaid ſum of fixpence *per diem* only being deducted for ſuch time and ſo many perſons as he wanted of his complement during his voyage.

XX. And whereas it is enacted, in and by an act paſſed in the fourth year of his preſent Maieſty's reign, intituled, An act for granting certain duties in the *Britiſh* colonies and plantations in *America*; for continuing, amending, and making perpetual, an act paſſed in the ſixth year of the reign of his late maieſty King George the Second, intituled, *An act for the better ſecuring and encouraging the trade of his Maieſty's ſugar colonies in America*; for applying the produce of ſuch duties, and of the duties to ariſe by virtue of the ſaid act, towards defraying the expences of defending, proteſting, and ſecuring the ſaid colonies and plantations;

for

tation of bread, &c.

No more than 40s. to be paid for the paſſage of any perſon from Newfoundland, &c.

Such payments in caſe of a deficiency in the fund for that purpoſe, to be made by the commiſſioners of the navy.

Recital of 4 Geo. 3. c. 15.

for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain; That if any British ship or vessel shall be found standing into, or coming out from, either of the islands of Saint Pierre and Miquelon, or hovering or at anchor within two leagues of the coast thereof, or shall be discovered to have taken any goods or merchandizes on board at either of them, or to have been there for that purpose, such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of his Majesty's customs; and the master, or other person having the charge of such ship or vessel, and every person concerned in taking such goods on board, shall forfeit treble the value thereof: and whereas the provisions of the said recited act may not be sufficient to effectuate the good purposes thereby intended, or to prevent the export or sale of ships, vessels, and boats, and of all other the goods and commodities herein-before enumerated and prohibited to be sold to the subjects of any foreign state, or the purchase and import of the goods and commodities of such foreign states; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for all and every officer or officers, having the command of any of his Majesty's ships stationed at the island of Newfoundland, to stop and detain all and every ship, vessel, or boat, of what nature or description soever, coming to, or going from the said island, and belonging to, or in the service or occupation of any of his Majesty's subjects residing in, trafficking with, or carrying on fishery in the island of Newfoundland, parts adjacent, or on the banks of the said island of Newfoundland, which he shall have reason to suspect to be going to, or coming from, the islands of Saint Pierre or Miquelon, for the purposes before mentioned, in any place within the limits of their station, and to detain, search and examine, such ship, vessel, or boat; and that if, upon such search or examination, it shall appear to such officer or officers that there is reasonable ground to believe that such ship, vessel or boat, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any implements or utensils used, or which may be used, in the catching or curing of fish, or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship, vessel, or boat, was or were intended to be sold, bartered for, or exchanged, to the subjects of any foreign state, or shall be discovered to have been so sold, bartered for, or exchanged; or if any goods or commodities whatsoever shall be found on board such ship, vessel, or boat, or shall be discovered to have been on board, having been purchased or taken in barter or exchange from the subjects of any foreign state; then, and in every such case, to seize and send back such ship, vessel, or boat,*

Officers of his Majesty's ships stationed at Newfoundland may detain such vessels, and search the

and if any contraband goods are found on board, such vessels and

boat, to the iſland of *Newfoundland*; and that ſuch ſhip, veſſel, goods ſhall or boat, and ſuch goods and commodities ſo found on board, be forfeited. ſhall, upon due condemnation, be forfeited and loſt, and ſhall and may be proſecuted for that purpoſe, by the officer or officers ſo ſeizing the ſame, in the vice admiralty court of the ſaid iſland of *Newfoundland*; ſuch forfeiture to be given, one moiety to the ſaid officer or officers, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of ſuch governor, in deſtroying the paſſages home of ſuch perſon or perſons as by this or any former act are directed to be ſent back to the country to which they belong.

XXI. And be it further enacted by the authority aforeſaid, That, in caſe any libel, information, or other ſuit or proceeding whatſoever, ſhall be commenced and brought to trial, in the court of vice admiralty in the ſaid iſland of *Newfoundland*, on account of the ſeizure of any ſhip, veſſel, boat, or goods, for the condemnation of the ſame, for any of the cauſes hereinbefore mentioned, wherein a decree ſhall be pronounced for or in favour of the defendant or defendants, claimer or claimers thereof, and it ſhall appear to the judge or court, before whom the ſame ſhall be tried, that there was a probable cauſe for ſeizing the ſaid ſhip, veſſel, boat, or goods, the judge before whom the ſaid cauſe ſhall be tried ſhall certify on the record that there was a probable cauſe for the ſeizing of the ſaid ſhip, veſſel, boat, or goods; a copy of which certificate ſhall be delivered to the proſecutor, under the hands and ſeals of ſuch judge or judges; and that, in ſuch caſe, the defendant ſhall not be entitled to any coſts of ſuit whatſoever, nor ſhall the perſon or perſons who ſeized ſuch ſhip, veſſel, boat, or goods, be liable to any action, indiſtment, or other proſecution, on account of ſuch ſeizure; and that if any action, indiſtment, or proſecution, ſhall be brought or preferred againſt any perſon or perſons, who ſhall have obtained ſuch copy of ſuch certificate as aforeſaid, in any of his Maſteſty's courts in *Great Britain*, ſuch copy ſhall be admitted in evidence on behalf of the defendant or defendants, and ſhall have the like force and effect as the certificate on record would have had in the caſe of ſuch action, indiſtment, or other proſecution, being brought or preferred in the iſland of *Newfoundland*.

XXII. And be it alſo enacted by the authority aforeſaid, That, if any action, indiſtment, or other proſecution, ſhall be commenced and brought to trial againſt any perſon or perſons whatſoever, on account of the ſeizure of any ſuch ſhip, veſſel, boat, or goods, wherein a verdict ſhall be given againſt the defendant or defendants, if the court or judge before whom ſuch action or proſecution ſhall be tried ſhall certify on the record that there was a probable cauſe of ſuch ſeizure, that the plaintiff, beſides his ſhip, veſſel, boat, or goods, ſo ſeized, or the value thereof, ſhall not be intitled to above two-pence damages, nor to any coſts of ſuit, nor ſhall the defendant in ſuch proſecution be fined above one ſhilling.

Clause relative to ſuits in Newfoundland on account of the ſeizure of veſſels, etc.

Plaintiff obtaining a verdict ſhall not be intitled to coſts, if there was probable cauſe of ſeizure.

- Limitation of actions.** **XXIII.** And it is hereby further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of, or in colour of this act, or of any matter or thing in this act contained, such action or prosecution shall be commenced within the space of three months after the offence shall have been committed; and in case the person or persons making such seizure as aforesaid shall have quitted the said island of *Newfoundland* before the expiration of three months from the time of the offence committed, then that such action or prosecution shall be commenced within three months after his or their return to *Great Britain*; and such person or persons shall and may plead the general issue, and give this act and the special matter in evidence for his and their defence, and that the same was done in prosecution and by authority of the said act: and if it shall appear so to have been done, then the court shall adjudge and decree, or the jury shall find in the courts of *Great Britain* or *Newfoundland* respectively, for the defendant or defendants; and if the plaintiff shall be nominated, or discontinue his action, libel, or other proceedings in the courts of *Great Britain* or *Newfoundland*, after the defendant or defendants hath or have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as the defendant or defendants hath or have in other cases by law.
- Treble costs.** **XXIV.** And be it further enacted by the authority aforesaid, That all and every the fines or penalties inflicted by this act, or by the acts herein before recited, and to be levied upon the seamen or fishermen, except those for neglect of duty; and that such ships, vessels, or goods, as shall be seized, condemned, and forfeited as before mentioned, except such the distribution whereof is otherwise directed by this act, shall be given, one moiety to the informer, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former act are directed to be sent back to the country to which they belong.
- Fines and forfeited goods, &c. how to be applied.** **XXV.** And be it further enacted by the authority aforesaid, That so much of the said recited act or the sixteenth year of the reign of his present Majesty, as gives any jurisdiction to the court of vice admiralty for the said island of *Newfoundland* with respect to enquiring into and determining disputes concerning the wages of any seamen or fishermen, or any offence committed by any hirer or employer of such seamen or fishermen, or any controversies or differences arising from their contracts or agreements, shall be, and the same is hereby repealed.
- Part of the act of 15 Geo. 3. repealed.** **XXVI.** And be it further enacted by the authority aforesaid, That all and every the clauses, matters, and things in the said herein before recited acts contained, which are not altered or repealed by this present act, shall continue and remain in full force.
- The recited acts (except, &c.) to remain in force.**

C A P. XXVII.

An act for authorizing the lord chief baron, and remanent barons of the court of exchequer in Scotland, out of the unappropriated money arising from the forfeited and lately annexed estates in Scotland, to pay a certain sum to the trustees in Scotland for propagating christian knowledge, for the purposes, and under the conditions therein mentioned.

WHIEREAS by an act, made in the twenty fifth year of the Preamble.
 reign of his late majesty King George the Second, intituled,
 An act for annexing certain forfeited estates in Scotland to the 25 Geo. 2. c.
 crown unalienably, and for making satisfaction to the lawful 41.
 creditors thereupon; and to establish a method of managing the
 same, and applying the rents and profits thereof for the better
 civilizing and improving the Highlands of Scotland, and prevent-
 ing disorders there for the future, all and every the lands and
 estates which were then in the hands of his Majesty by the attainder
 of Simon late lord Lovat, and certain other persons therein named,
 were declared to be unalienably annexed to the imperial crown of these
 realms; and it was declared lawful for his Majesty, his heirs and
 successors, by commission under the great seal of Scotland, to autho-
 rize commissioners and trustees for managing the said estates, and ap-
 plying the produce thereof; and whereas his said late Majesty, and
 his present Majesty, did, in pursuance of the said act, from time to
 time, by commissions under the said great seal of Scotland authorize
 the persons therein specially named as commissioners and trustees to
 manage the said estates, and apply the produce thereof; and the said
 commissioners did, among other things in execution of the trust,
 establish schools in different places in the remote parts of the High-
 lands of Scotland, and grant annual salaries to the persons appointed
 teachers in the said schools, payable from the rents and produce of the
 said forfeited estates: and whereas by an act, passed in the fourteenth
 year of his present Majesty's reign, intituled, An act to enable his 14 Geo. 3. c.
 Majesty to grant unto major general Simon Fraser the lands and 22.
 estate of the late Simon lord Lovat upon certain terms and con-
 ditions, the said act of the twenty fifth year of his late Majesty was
 repealed, in as far as related to the estate which formerly belonged to
 the said Simon late lord Lovat, which was thereby disannexed from
 the crown, and was afterwards granted by his Majesty to the said
 major general Simon Fraser: and whereas by an act passed in the
 twenty fourth year of his present Majesty's reign, intituled, An act 24 Geo. 3. c.
 to enable his Majesty to grant to the heirs of the former pro- 57.
 prietors, upon certain terms and conditions, the forfeited estates
 in Scotland, which were put under the management of a board
 of trustees by an act passed in the twenty fifth year of the reign
 of his late majesty King George the Second, and to repeal the
 said act, the said act of the twenty fifth year of his said late Majesty
 was repealed, in as far as respected the other forfeited estates, besides
 the estate of the said Simon late lord Lovat; and it was enacted,

That it should and might be lawful to his Majesty, his heirs and successors, to give, grant, and dispose, to the persons therein named and described, being the representatives of the persons who forfeited the said several forfeited estates, upon their severally paying into the court of exchequer in Scotland the several and respective sums of money in the said act mentioned at the times therein specified; and certain sums, part of the money so directed to be paid into the said court of exchequer, were appropriated by the said act for the purposes and to the use of the persons and societies therein mentioned; and it was enacted, That in case the sums to be paid into the said court, in consideration of the said annexed forfeited estates being restored, should not be exhausted by the several applications or appropriations in the said act specified, the balance of the money so to be paid in should remain under the care of the said court of exchequer in Scotland, to be lodged in one or other of the public banks, or public funds, subject to the future disposition of parliament: and whereas no provision was made by the said act for continuing the schools in the remote parts of the Highlands of Scotland, which were established by the commissioners and trustees of the said forfeited estates, or for continuing the salaries of the teachers of the said schools, whereby, and unless provision is now made, the good effects of such establishments will be lost to the public, and a number of industrious and well deserving persons, who have for many years been teachers of the said schools, will be reduced to poverty and indigence: and whereas the society in Scotland for propagating christian knowledge incorporated by royal charter, did lately present a memorial to the lords commissioners of his Majesty's treasury, representing the state of the said established schools, and particularly that the salaries of the teachers did amount in whole to the annual sum of two hundred and ninety-nine pounds, fourteen shillings: that it appeared to the society, that certain of the said schools, the salaries of the teachers whereof amounted to the yearly sum of one hundred and thirteen pounds, might be discontinued: that certain other of the said schools might be discontinued after the deaths of the present teachers, whose salaries amounted to the annual sum of forty-eight pounds, and who must be reduced to beggary if deprived of their salaries; and that the remaining number of the said established schools ought to be continued, videlicet, the schools established at Strathclyde, Craigniech, Glenartney, and Lochearnside, upon the estate of Perth; the school established at Strathgry, upon the estate of Arnprior; the school established at Lochgarry; the schools established at Kinlochannoch, Finnar, Glenorchy, and Camagren, and Carrie, upon the estate of Stronwan; the schools established at Kinlocharkraig, Mamore, and Strathlochic, upon the estate of Lochiel; the school established at Clunie; the school established at Corgach, upon the estate of Cromarty; and the school established in the island of South Uist; the salaries of the teachers of which schools amounted to the annual sum of one hundred and thirty-eight pounds, fourteen shillings: that as the principal object of the said society was to establish and superintend schools in the Highlands of Scotland, they conceived it might be proper to commit to them the care of such of the schools established by the late commissioners of the annexed estates, as it was thought proper

Society for propagating christian knowledge in the highlands presented a memorial to the treasury.

to continue; but as the society had gone the utmost lengths their funds would allow in paying the salaries of the teachers of one hundred and eighty-three schools by them established, they could not undertake the burden of more without a reasonable allowance being made by the public; and that, upon such allowance, the society would engage to pay the salaries of the teachers appointed by the late commissioners before mentioned as amounting to forty-eight pounds yearly, during the lives of the present teachers, and to continue the schools mentioned in the said memorial and above as proper to be continued, and pay the salaries of the teachers thereof in time coming, according to the regulations of the society: and whereas the said proposal is reasonable and beneficial to the public, and the said society merit encouragement for their laudable endeavours to promote virtue, loyalty, and industry in the inhabitants of the Highlands; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the lord chief baron, and remanent barons of his Majesty's court of exchequer in Scotland, or any three of them for the time being, and they are hereby directed and required, as soon as there is a sufficient sum paid into the said court from the money directed by the said act passed in the twenty-fourth year of his present Majesty's reign, to be paid by the persons to whom the several forfeited, and lately annexed estates are to be restored or granted, over and above what shall satisfy the purposes and appropriations by the said act specially directed, and before any other purpose or appropriation, to pay, or cause to be paid, into the hands of the treasurer or cashier of the said incorporated society in Scotland for propagating christian knowledge, or into the hands of any other person or persons whom the said society shall appoint to receive the same, for the use of the said society, the sum of two thousand five hundred pounds lawful money of Great Britain, free of all deductions whatsoever; and the receipt or receipts of the said treasurer or cashier, or of the person or persons so to be appointed by the society, for the said sum of two thousand five hundred pounds, or for any part thereof, shall be a sufficient voucher to the barons for the sum or sums thereby acknowledged to be received, and be taken as evidence of their having issued and expended so much of the money paid into court in pursuance of the said act, in all cases whatsoever; and for that purpose the said barons, or any three of them, shall, from time to time, issue their warrants to the banks, or to the person or persons in whose hands the said money shall happen to have been lodged or deposited after being paid into court as aforesaid.

II. Provided always, That at or before paying the said sum to the said society, the barons of the said court of exchequer shall take from the said society such obligation or engagement in writing, under their seal, as shall appear to the said barons, or any three of them, necessary and proper for the said society's paying, or continuing to pay, the salaries to the teachers intend-

Barons of exchequer in Scotland to pay to the treasurer of the society the sum of 2,500l.

Barons of the said court to take from the society an obligation for continuing to pay the salaries of teachers during their lives.

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ed to be paid to them during their refpective lives, as is above
mentioned, and for their continuing and keeping up the fchools
intended as aforefaid to be kept up, and for their paying the
proper and ufual falaries to the teachers prefent and to come of
the faid fchools.

C A P. XXVIII.

An act for providing a proper workhoufe, and better regulating the
poor, within the parifh of Romford, in the liberty of Havering Atte
Bower, in the county of Eflcx.—May borrow 3,500l. at intereft, and
pay off 100l. per ann.

C A P. XXIX.

An act to enable his Majefty to licence a play houfe within the town
and port of Margate, in the ifle of Thanet, in the county of Kent,
under certain reftrictions therein limited.—May act from June 15,
to the laft day of October, yearly.

C A P. XXX.

An act to enable the company of proprietors of the Coventry canal
navigation to complete the faid canal to Fradley Heath, in the county
of Stafford; and for other purpofes therein mentioned.

Coventry company impowered to borrow a further fum of 20,000l. and
to affign the navigation as a fecurity. Mortgages to be refpored, and
may be alligned. Intereft of the money borrowed to be paid prior to
any dividenda to the company; and may be paid out of the principal,
until the canal is completed. Dividenda limited to 3 per cent. till the
canal is completed. Proprietors may become poffeffed of thirty fhares.

C A P. XXXI.

*An act for refpving certain fums in commissioners, at the end of every
quarter of a year, to be by them applied to the reduction of the
national debt.*

Moft gracious Sovereign,

Preamble.

WHEREAS by feveral acts of parliament, heretofore made
and paffed, it was enacted, That all the monies which at the
end of any quarter of a year fhould or might arife from the refpective
furplufhes, exceffes, and overplus monies of the feveral publick funds in
the faid acts defcribed, fhould be appropriated, referved, and employed
as a finking fund, to and for difcharging the principal and intereft of
the national debts and incumbrances, and to or for no other ufe, intent,
or purpofe whatever: and whereas, for the want of fufficient provi-
fions for the conftant application of the faid monies, according to the
true intent of the faid acts, the good purpofes thereof have not been
fulfilled: and whereas, by the great increafe of the national debt, it is now
become neceffary to eftablifh a permanent plan for the reduction of the
fame: we, your Majefty's moft dutiful and loyal fubjects, the
commons of Great Britain in parliament affembled, being de-
fiderous of making a lafting provision for the maintenance of
the publick credit, do moft humbly pray your Majefty that it
may be enacted; and be it enacted by the King's moft excellent
majefty,

majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That at the end of the two quarters of a year, which will end on the fifth day of *July* and the tenth day of *October*, respectively, in the year one thousand seven hundred and eighty-six, and at the end of every quarter of a year, ending the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, respectively, in every succeeding year, there shall be issued or set apart at his Majesty's receipt of exchequer, pursuant to the several acts in that behalf made and provided, out of the surplusses, excesses, and overplus monies composing the aforesaid sinking fund, a sufficient sum to make good, to the day on which such quarter shall end, all such interests or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund; and that after such sum shall have been so issued or set apart, there shall then be farther set apart, in the said receipt of exchequer, out of the surplusses, excesses, and overplus monies composing the said sinking fund, a sum of two hundred and fifty thousand pounds, or such part thereof as the said surplusses, excesses, and overplus monies then remaining in the said receipt of exchequer shall be sufficient to satisfy.

II. And be it further enacted by the authority aforesaid, That at the end of any such quarter of a year, after issuing or setting apart the sums necessary to make good to the day on which such quarter shall end, all such interest or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund, there shall not remain in the receipt of his Majesty's exchequer, monies, arising out of the surplusses, excesses, and overplus monies composing the said sinking fund, sufficient to provide for the payment of the before-mentioned sum of two hundred and fifty thousand pounds, the amount of the deficiency shall be carried forward as a charge on the monies which shall remain in the receipt of his Majesty's exchequer out of the said surplusses, excesses, and overplus monies, after issuing or setting apart the sums herein-before directed to be previously issued or set apart, at the end of the next and every other succeeding quarter in the same year, until such deficiency shall have been made good, every such year being computed from the fifth day of *January* to the fifth day of *January* following.

III. And be it further enacted by the authority aforesaid, That all monies which shall remain in the receipt of his Majesty's exchequer, out of the said surplusses, excesses, and overplus monies, at the end of any quarter of a year ending as aforesaid, or at the end of any year computed as aforesaid, after issuing or setting apart the several sums herein-before directed to be previously issued or set apart, shall be applied to the above mentioned purposes in the order following; (that is to say),

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set apart
quarterly out
of the surplus-
ses of the sink-
ing fund, etc.

How to pro-
ceed in case of
a deficiency
in the said
surplusses.

Surplusses re-
maining (after
former im-
bursements
provided for)
how to be ap-
plied.

That at the end of any quarter of a year ending as aforeſaid, the ſaid monies ſhall firſt be applied to make good any deficiency or deficiencies (if any ſuch there ſhall have been) in the payment of the ſum of two hundred and fifty thouſand pounds, due at the end of any preceding quarter or quarters of a year within the ſame year, computed as aforeſaid, in the order in which ſuch deficiency or deficiencies ſhall have ariſen; and that ſo much of the ſaid monies as ſhall remain in the receipt of his Maſteſty's exchequer at the end of any ſuch quarter of a year, after ſuch deficiency or deficiencies ſhall have been ſo made good, ſhall be applied to the payment of the ſum of two hundred and fifty thouſand pounds due at the end of ſuch quarter, or to the payment of ſuch part thereof as the ſame ſhall be ſufficient to ſatisfy.

Deficiencies at the end of any year to be made good out of the ſurpluſſes granted the ſame year.

IV. Provided always, and be it enacted by the authority aforeſaid, That if at any time it ſhould happen, that at the end of the year ending the fifth day of *January*, one thouſand ſeven hundred and eighty-ſeven, or at the end of any future year, computed as aforeſaid, after provision ſhall have been made for all payments for which monies are previously to be ſet apart or iſſued according to the directions of this act, the ſaid ſurpluſſes, exceſſes, and overplus monies, compoſing the ſinking fund, ſhall not be ſufficient to make good as well all ſuch deficiencies as ſhall have ariſen during ſuch year, as the payment of the ſum of two hundred and fifty thouſand pounds then due, in every ſuch caſe, the amount of ſuch deficiency or deficiencies, whether the ſame ſhall have ariſen in any preceding quarter or quarters within ſuch year, or in the quarter ending on the fifth day of *January* on which ſuch year ſhall end, ſhall not be carried forward as a charge on the ſaid ſinking fund at the end of the next ſucceeding quarter, but ſhall be made good out of any aids or ſupplies which ſhall be or ſhall have been granted by parliament for the ſervice of the then current year; and the amount of ſuch deficiency or deficiencies ſo to be made good, ſhall be iſſued to the governor and company of the bank of *England*, in the manner herein-after directed, within ten days after monies ſufficient to answer the ſame ſhall have been paid into his Maſteſty's receipt of exchequer, on account of any ſuch aids or ſupplies.

The monies ſet apart quarterly, to be paid into the bank;

V. And be it further enacted by the authority aforeſaid, That the monies ſo ſet apart, at the end of any quarter of a year ending as aforeſaid, or of any year computed as aforeſaid, either for the payment of the ſum of two hundred and fifty thouſand pounds due at the end of ſuch quarter, or of any part thereof, or for making good ſuch deficiency or deficiencies as aforeſaid, ſhall forthwith be iſſued and paid to the governor and company of the bank of *England*, and ſhall by them be placed to an account to be raiſed in their books, and to be intituled,

and to be applied in reducing the national debt.

The account of the commissioners appointed by act of parliament for applying certain ſums of money annually to the reduction of the national debt: and that as well all ſuch monies, as any other monies

nies which ſhall be paid to the governor and company of the bank of *England* by virtue of this act, to be placed to the ſaid account. ſhall be applied by the commiſſioners hereinafter appointed towards the reduction of the national debt, in the manner herein-after directed, and to no other intent or purpoſe, and in no other manner whatever.

VI. And be it enacted by the authority aforeſaid, That it ſhall not be lawful for the officers of the receipt of his Maſteſty's exchequer to ſet apart or iſſue, out of the monies compoſing the ſinking fund, at the end of any quarter, any ſum or ſums of money, for any ſervice whatever, other than as in this act is provided, until the ſum or ſums which are directed by this act to be paid to the governor and company of the bank of *England*, on account of the ſaid commiſſioners, ſhall have been ſet apart or iſſued as aforeſaid; and that in like manner it ſhall not be lawful for the officers of the receipt of his Maſteſty's exchequer, after the fifth day of *January* in any year, to iſſue any ſum or ſums of money for any ſervice whatever, out of any monies which ſhall then remain in the receipt of his Maſteſty's exchequer from any aids or ſupplies granted for the ſervice of the current year, or out of any monies which ſhall be received into the exchequer after the ſaid fifth day of *January*, from ſuch aids or ſupplies, until the ſum or ſums (if any ſuch there ſhall be) which ſhall be payable by virtue of this act to the governor and company of the bank of *England*, on account of the ſaid commiſſioners, out of the ſaid aids or ſupplies, ſhall have been ſet apart or iſſued as aforeſaid.

Officers of the exchequer reſtrained relative to the iſſuing the produce of the ſinking fund.

VII. And be it further enacted by the authority aforeſaid, That ſuch part of the principal or capital ſtock of ſuch publick annuities as ſhall be redeemed or paid off by virtue of this act, in the manner herein after directed, ſhall be tranſferred to the account of the ſaid commiſſioners, in the books of the governor and company of the bank of *England*, of the governor and company of merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, or of the united company of merchants of *England* trading to the *East Indies*, reſpectively, as the caſe may be; and that the dividends payable thereon ſhall, from time to time, be received by the governor and company of the bank of *England*, and be placed to the account of the ſaid commiſſioners.

To whom the redeemed ſtock ſhall be tranſferred.

VIII. And be it further enacted by the authority aforeſaid, That whenever any of the following publick annuities ſhall ceaſe and determine, by the expiration of the terms for which they were reſpectively granted; (that is to ſay), the annuities granted for one, two, and three lives, and charged, by an act of the fifth of King *William* and Queen *Mary*, upon two ſevenths of a nine ſhillings *per* barrel exciſe; the annuities granted for one, two, and three lives, by the acts of the ſecond and third of Queen *Anne*, and for ninety-nine years, by one other act of the third and fourth of Queen *Anne*, and charged upon the three thouſand ſeven hundred pounds *per* week exciſe by the ſaid act; the

When any of the herein cited annuities ſhall ceaſe, by the expiration of the terms for which they were granted,

the annuities granted for ninety-nine years, by an act of the fourth of Queen *Anne*, and charged upon an addition of nine ſhillings *per* barrel exciſe, and of an addition of one third of the ſubſidy of tonnage, eſtabliſhed by an act of the ninth of King *William* the Third; the annuities granted for ninety-nine years, by an act of the fifth of Queen *Anne*, and charged upon the duties on hawkers and pedlars, ſtamp duties on vellum, parchment and paper; and the annuities eſtabliſhed by an act of the ſixth of Queen *Anne*, for ninety-nine years, and charged upon the ſurplus of the duties granted for payment of the annuities eſtabliſhed by the two former acts of the fourth and fifth of Queen *Anne*; and the annuities eſtabliſhed for ninety-nine years, granted by one other act of the ſixth of Queen *Anne*, and charged upon a further additional half ſubſidy of tonnage by the ſaid act; and the ſeveral annuities on ſingle lives, granted by an act of the eighteenth of King *George* the Second, and charged upon the duties on wines imported, by the ſaid act; the annuities on ſingle lives, granted by an act of the nineteenth of King *George* the Second, and charged on the duties on glaſs and ſpirituous liquors by the ſaid act; and the annuities on ſingle lives, granted by an act of the thirtieth of King *George* the Second, and charged on the duties on ſtamped vellum, parchment, and paper, and by a ſubſequent act charged on the ſinking fund; and certain annuities granted for annuities on lives, with the benefit of ſurvivorſhip, by an act of the fifth of King *George* the Third, and charged upon the ſinking fund; and the annuities on ſingle lives, granted by an act of the eighteenth of King *George* the Third, and charged upon the duties on wines and inhabited houſes by the ſaid act; and the annuities on lives, granted by an act of the nineteenth of King *George* the Third, and charged upon an additional duty of five pounds *per centum* exciſe, five pounds *per centum* additional ſubſidy on cuſtoms, tax on poſt horſes, and on ſtamp duties, eſtabliſhed by the ſaid act; and the ſeveral and reſpective annuities granted for ninety-nine years, from the fifth day of *January*, one thouſand ſeven hundred and ſixty one; for ninety-eight years, from the fifth day of *January*, one thouſand ſeven hundred and ſixty-two, conſolidated and charged on the ſinking fund by an act of the fourth of King *George* the Third; the annuities granted for eighty years, from the fifth day of *January*, one thouſand ſeven hundred and eighty, by an act of the twentieth of King *George* the Third, and charged on the duties on wines and ſalt, and on ſundry other duties eſtabliſhed by the ſaid act; the annuities eſtabliſhed by an act of the twenty-ſecond of King *George* the Third, for ſeventy-eight years, from the fifth day of *January*, one thouſand ſeven hundred and eighty-two, and charged on the duties on tobacco, ſnuff, ſalt, and ſundry other duties granted by the ſaid act; the annuities granted for ſeventy-seven years, from the fifth day of *January*, one thouſand ſeven hundred and eighty-three, by an act of the twenty-third of King *George* the Third, and charged upon ſtamp duties on bills of exchange,

receipts,

receipts, and sundry other duties granted by the said act; and the annuities granted for seventy-five years and six months, from the fifth day of *July*, one thousand seven hundred and eighty-four, by an act of the twenty-fourth of King *George* the Third, and charged upon additional duties on candles, bricks, and tiles, and sundry other duties granted by the said act; the annuities granted for thirty years, from the fifth day of *January*, one thousand seven hundred and seventy-eight, and, by an act of the eighteenth of King *George* the Third, charged upon the duties on wines and inhabited houses by the said act; the annuities granted for twenty nine years, from the fifth day of *January*, one thousand seven hundred and seventy-nine, and, by an act of the nineteenth of King *George* the Third, charged upon an additional duty of five pounds *per centum* excise, five pounds *per centum* subsidy, tax on post horses, and stamp duties on paper, by the said act; and the annuities granted by an act of the seventeenth of King *George* the Third, for ten years, from the fifth day of *April*, one thousand seven hundred and seventy-seven, and charged upon the sinking fund; in every such case, all duties which shall be applicable to the payment of such annuities, by virtue of any act or acts of parliament, shall continue to be levied and collected, and shall continue to be applied to such payment, in the same manner, and under the same regulations respectively, to all intents and purposes whatever, as the same were levied, collected, and applied immediately before the determination of such annuities respectively; and that from and after the determination of such annuities, the monies now payable thereon shall be issued, from time to time, to the governor and company of the bank of *England*, and shall be placed to the account of the said commissioners

the duties applicable to the payment thereof shall continue to be levied,

and the monies payable thereon shall be issued to the bank, &c.

IX. Provided always, and be it further enacted by the authority aforesaid, That so soon as any part of the principal or capital stock of any publick annuities, or so soon as any annuities for lives or years shall have been placed, as herein-before directed, to the account of the said commissioners, no sum or sums of money shall thenceforth be issued or paid for or on account of the charges of management of such stock or annuities.

When any stock shall be placed to the account of the commissioners, no money shall be issued for the management thereof. Monies placed to the account of the commissioners to be applied in redemption of annuities at or above par, &c.

X. And be it further enacted by the authority aforesaid, That all monies whatever, which shall be placed from time to time to the account of the said commissioners by virtue of this act, shall be applied by them either in payments for the redemption of such redeemable publick annuities as shall be at or above par, in such manner and at such periods as shall be directed by any future act or acts of parliament, or to the purchase of any publick annuities below par in the manner herein-after directed.

XI. And be it further enacted by the authority aforesaid, That all monies whatever which shall be placed from time to time to the account of the said commissioners, by virtue of this act, which shall not be directed by any future act or acts of parliament to be applied in payment for the redemption of any redeemable

More particular application of the monies to be placed to the account of the commissioners.

deemable publick annuities at or above par, shall be applied by the said commissioners in payments for the purchase of publick annuities below par, in the following manner; (that is to say,) That all monies so to be applied, which shall have been placed to the account of the said commissioners between the fifth day of *April* in any year, and the first day of *May* then next ensuing, shall be applied to the purchase of such annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the same shall be transferable, between the said first day of *May* and the first day of *August* then next ensuing; and in like manner, the sums so to be applied, which shall have been placed to the account of the said commissioners, between the end of any such quarter and the first day of the calendar month which shall commence next after the end of such quarter, shall be applied to the purchase of such annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the same shall be transferrable, between the said first day of the calendar month which shall commence next after the end of such quarter, and the first day of the calendar month which shall commence next after the end of the quarter next ensuing.

Directions for the commissioners when there are no annuities below par.

XII. Provided always, and be it further enacted, by the authority aforesaid, That if at any time it shall happen that there shall be no subsisting publick annuities below par, and that the necessary measures shall not have been previously taken by parliament, to enable and direct the said commissioners to apply the monies, which shall have been placed to their account (by virtue of this act) to the redemption of any subsisting publick annuities which shall then be at or above par, the said commissioners are hereby authorized and required to apply the said monies to the purchase of any subsisting publick annuities at or above par, in the same manner, and under the same regulations and restrictions, as are herein-before provided with respect to the purchase of publick annuities below par.

Commissioners empowered to subscribe towards any future publick loan, &c.

XIII. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, if they shall think it expedient, at any time between the end of any quarter and the first day of the calendar month which shall commence next after the end of such quarter, to subscribe any of the monies which shall have been placed to their account at the end of such quarter; and also all such monies as shall be to be placed to their account, by virtue of this act, during the remainder of the then current year, computed as by this act directed, towards any publick loan, to be raised by virtue of any future act or acts of parliament, by such annuities as are herein-after mentioned, that is to say, perpetual annuities, subject only to redemption at par, for which the sinking fund shall be collateral security: provided always, That the capital stock of such annuities so to be granted shall bear the same rate of interest with some capital stock of redeemable publick annuities then subsisting; and that the amount of the capital

tal stock to be given for every sum of one hundred pounds, so to be subscribed, shall be estimated according to the market price of such subsisting stock at the time of such subscription.

XIV. And be it further enacted by the authority aforesaid, That the speaker of the house of commons, the chancellor of his majesty's exchequer, the master of the rolls, the accountant general of the court of chancery, and the governor and deputy governor of the bank of *England*, for the time being respectively, shall be commissioners for carrying into execution the purposes of this act; and that all powers and authorities, which the said commissioners are or may be enabled or required to exercise, by the present or any future act or acts of parliament, shall and may be exercised by any number, not less than four, of the said commissioners.

Who shall be commissioners.

XV. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized to appoint and employ such clerks and other officers as shall be necessary; and that all proceedings whatever, to be had by or before the said commissioners, shall be entered in proper books.

Commissioners may employ clerks, etc.

XVI. And be it further enacted by the authority aforesaid, That the order of the said commissioners shall at any time be a sufficient authority to the governor and company of the bank of *England*, for issuing and paying any part of the money to be vested in the said commissioners, in the manner herein directed; and such person or persons as shall, from time to time, be nominated and appointed by the said commissioners, to make the purchases of publick debts and annuities, on the account of the said commissioners, for the use of the publick, and for the purposes of this act, is and are hereby authorized and enabled to accept the transfer of any stock or annuities to be purchased in the manner herein-before directed, and to make the payments for the same to the persons from whom the same shall be purchased, and to give or accept all the necessary receipts and acquittances on the part of the said commissioners: provided always, That such nomination and appointment shall, from time to time, be notified to the governor and company of the bank of *England*, under the hands of the said commissioners.

The bank to pay such money vested in the commissioners as shall be ordered by them, etc.

XVII. And it is hereby further enacted by the authority aforesaid, That an account shall be made up to the first day of *February* in every year, by the governor and company of the bank of *England*, of all sums whatever which shall have been paid to the said governor and company, or carried in their books to the account of the said commissioners, for the purposes of this act; and also of all sums of principal or capital stock of publick annuities, which in pursuance of this or any other act, within the year comprehended in the said account, shall have been purchased, redeemed, or paid off by the said commissioners, together with the interest accruing thereupon; and also of the annual amount and particulars of any annuities for lives or years, the terms of which shall have expired within the said year, to the

The bank to make up their account with the commissioners annually;

which shall be laid before parliament.

the fifth day of *January* in every year after the passing of this act; which account the said governor and company are hereby required to lay before both houses of parliament on or before the fifteenth day of *February* immediately following, if parliament shall be then sitting; and if parliament shall not be then sitting, then within fourteen days after the commencement of the then next session of parliament.

Commissioners to lay an account of their proceedings before parliament;

XVIII. And be it enacted by the authority aforesaid, That a similar account of all the said several particulars, and for the same periods, shall also be prepared and laid before both houses of parliament, within the same period, by the said commissioners, together also with an account of the times of their purchasing, redeeming, and paying off any parts of the publick debts and annuities, and an account of the several prices paid for the same, and of the whole expence attending the execution of the powers vested in them by this act.

and before the commissioners for auditing publick accounts.

XIX. Provided always, and be it enacted by the authority aforesaid, That duplicates of the said accounts shall be laid, at the same time, before the commissioners for auditing the publick accounts; and the said commissioners for auditing the publick accounts are hereby authorized and required to proceed to the examination thereof immediately after the end of the session of parliament in which such account shall have been laid before the two houses of parliament; after which examination by the said commissioners for auditing the publick accounts, such account shall be further proceeded upon, and finally determined, to all intents and purposes, in like form and manner as is and by law ought to be practised in the case of accounts for monies issued at the receipt of his Majesty's exchequer, by way of imprest, and upon account.

When the sum annually receivable by the commissioners shall amount to 4,000,000*l.* the dividends due on stock paid off by them, etc. shall be considered as redeemed by parliament.

XX. And be it further enacted by the authority aforesaid, That whenever the whole sum annually receivable by the said commissioners, including as well the quarterly sum of two hundred and fifty thousand pounds herein-before directed to be issued from the exchequer, as the several annuities and dividends of stock to be placed to the account of the said commissioners in the books of the governor and company of the bank of *England*, by virtue of this act, shall amount in the whole to four millions annually, the dividends due on such part of the principal or capital stock as shall thenceforth be paid off by the said commissioners, and the monies payable on such annuities for lives or years as may afterwards cease and determine, shall no longer be issued at the receipt of his Majesty's exchequer, but shall be considered as redeemed by parliament, and shall remain to be disposed of as parliament shall direct.

Penalty on forging any certificate, etc. made by virtue of this act.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall wilfully act or assist in the forging or counterfeiting any certificate or certificates, order or orders, made forth by virtue of this present act, or alter any number, figure, or word therein, or present for payment,

ment, utter, vend, barter, or dispose of any such forged, counterfeit, or altered certificate or certificate, order or orders, (knowing the same to be forged, counterfeit, or altered), then, and in every such case, all and every such person and persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

XXII. And be it further enacted by the authority aforesaid, That the cashier or cashiers of the governor and company of the bank of *England* shall give security, to the good liking of the said commissioners, for duly performing the trust hereby in him or them reposed.

Cashiers of the bank to give security.

XXIII. Provided always, and be it enacted by the authority aforesaid, That out of any aids or supplies which shall be granted for the service of each year, the lord high treasurer, or the commissioners of his Majesty's treasury, for the time being, shall have power to discharge all such incidental charges, not hereby otherwise provided for, as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable, and also to settle and appoint such allowances as shall be proper, for the service, pains, and labour of the said cashier or cashiers, and any other person or persons (other than the said commissioners) for performing the trust hereby reposed in him or them; all which allowances to be made as aforesaid, in respect of the services, pains, and labour of any officer or officers of the said governor and company of the bank of *England*, and of the *South Sea* company, respectively, shall be for the use and benefit of the said companies, respectively, and at their disposal only.

Treasury may discharge incidental charges, etc. of executing this act.

C A P. XXXII.

An act for raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six. — 1,500,000*l.* raised by this act.

C A P. XXXIII.

An act for raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six. — 1,000,000*l.* raised by this act.

C A P. XXXIV.

An act for altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

WHEREAS several annuities, granted by divers acts of parliament, to continue from the respective times of their commencement for certain terms of ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, and seventy-five years and six months, and then to cease, which were consolidated and made payable at the bank of *England*, and are there distinguished by the appellation of long annuities; and also other annuities granted for thirty and twenty-nine years, and consolidated and made one joint stock of annuities, by an act of the nineteenth year of the reign of George the Third,

Preamble

payable

" forer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy."

21 Geo. 3. c. 16. and 25 Geo. 3. c. 29. for amending the former act, rec'd. Commissioners may order the prize agents to pay the arrears of the foreign troops of the late garrison at Gibraltar their share of bounty money, and prize money. Expences of this act to be paid out of bounty or prize money in hand.

C A P. XXXVI.

An act to explain an act, made in the last session of parliament, with respect to the allowances to be made for waste on the exportation of white salt and rock salt to the Isle of Man; for limiting the quantity of British refined sugar to be exported to the Isle of Man; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, intitled, "An act for encouraging and regulating the trade and manufacture of the Isle of Man; and for the more easy supply of the inhabitants thereof with a certain quantity of wheat, barley, oats, meal, and flour, authorised by an act made in this session to be transported to the said island," as relates to permitting any person to import into the Isle of Man fish from any place whatever, except from Great Britain, without payment of any custom or other duty whatsoever.

25 Geo. 3. c. 63. and 20 Geo. 3. c. 34. rec'd. Allowance for waste on salt exported to the Isle of Man, reduced to 2 bushels in 40 of white salt, and 1 bushel in 40 of rock salt. Recital of 7 Geo. 3. c. 45. From July 5, 1786, no British refined sugar to be imported into the Isle of Man, except from Great Britain directly, and from the ports after mentioned, under penalty of forfeiture and of the ship, &c. 4 hundred weight of refined sugar, and 10 hundred weight of refined sugar bastard, may be exported annually from Liverpool to Douglas in the Isle of Man. No such sugar to be exported from the Isle of Man. The act of 7 Geo. 3. c. 45. rec'd. as is fish repealed, and the house of keys in the island may permit one thousand barrels of foreign herrings to be imported into the island in any one year, duty free.

C A P. XXXVII.

An act for laying a toll upon all horses and carriages passing on a Sunday over Blackfriars bridge, and for applying the money to arise thereby towards increasing the fund for watching, lighting, cleaning, watering, and repairing the said bridge.

Act 19 Geo. 2. c. 86. 7 Geo. 3. c. 37. A Sunday toll on horses and carriages to commence on the first Sunday after June 24, 1786.

• For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by six or more horses or mules, the sum of ten-pence:

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by four horses or mules, the sum of eight-pence:

For every coach, chariot, berlin, chaise, chair, calash, or other carriage, drawn by three or two horses or mules, the sum of six pence:

And for every chaise, chair, calash, or other carriage, drawn by one horse, mule, or ass, the sum of three-pence:

For every horse, mule, or ass, not drawing, the sum of one penny.

Monies vested in the mayor, commonalty and citizens to be applied to the uses of the act. Power to levy the tolls by distress and sale in 4 days. Power to erect turnpikes and toll-houses within 150 feet from the south VOL. XXXV. K k end

end of the bridge. Property vested in the mayor, &c. Tolls to be paid only once a day. Power to lease the tolls for three years, and not less than one, to the highest bidder. Common council may appoint collectors. Collectors to account: or may be committed. Upon the death of any collector, his executor or administrator to be answerable. Penalty on persons obstructing collectors, 40s. besides damages, &c. Collectors neglecting to apply for warrants, to forfeit 40s. Penalties and forfeitures to be recovered by distress and sale of goods, by justices' warrant, and the net money to be paid into the chamber of London, and for want of distress may commit the party for 10 days and not more than 30 days. One moiety of the penalties may be paid to the informers. Forfeitures may be mitigated to one moiety. Commencement of this act, June 24, 1786. Money collected to be applied to the lighting, watching, cleaning, repairing, and watering the bridge. Power to appeal to the general quarter sessions of London in three months. Proceedings not to be quashed for want of form. No actions to be brought till after 21 days notice of the cause thereof, and to be in six months after fact, and to be laid and tried in the city of London, or county of Surrey, as the matter may arise; and the defendant may plead the general issue and give the special matter in evidence, &c. if he recover to have treble costs. Common council may delegate their power to a committee. But no person concerned in any turnpike or toll-house to be erected, or any contract for work to be done by virtue of this act, or any share therein, or having place of profit eligible. Deemed a publick act.

C A P. XXXVIII.

An act for regulating the time of the imprisonment of debtors imprisoned by process from courts instituted for the recovery of small debts; for abolishing the claim of fees of gaolers, and other in the cases of such imprisonment; and for ascertaining the qualifications of the commissioners.

Preamble.

WHIEREAS by several acts of parliament now in force, and made to establish or regulate courts for the recovery of small debts within this kingdom, there is no uniform time limited for the duration of the imprisonment of the defendant or debtor, against whom an execution, process of contempt, or precept in the nature of an execution is issued for nonpayment of such debts and costs, sum or sums of money, as by the order or orders of such courts such debtor or defendant is ordered or directed to pay, but such debtors or defendants are by such acts of parliament to be committed to prison, there to remain for an indefinite length of time, until he, she, or they, shall perform the order of the court or commissioners in that behalf; so that it frequently happens that a poor person, who is not of ability to pay a debt of or under forty shillings, is imprisoned for many months, and sometimes for years, without a possibility of being discharged: and whereas it often happens that poor persons, who are committed to prison by virtue of and in pursuance of the said acts of parliament, for a trifling debt, are kept in custody after they have been enabled to pay and discharge such debt, for gaol fees: and whereas an act was made in the last session of parliament, (intituled, An act for reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in London, Middlesex, and the borough of Southwark, to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment),

fonment), *the purposes of which act have been found to be beneficial; and it is expedient that the like provisions should be extended to all other courts instituted for the recovery of small debts:* therefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of September, one thousand seven hundred and eighty-six, no person whosoever, being a debtor or defendant, and who has been or shall be committed to any gaol or prison by order of any court, or commissioners authorised by any act or acts of parliament for constituting or regulating any court or courts for the recovery of small debts, where the debt does not exceed twenty shillings, shall be kept or continued in custody, on any pretence whatsoever, more than twenty days from the commencement of this act, or from the time of his, her, or their commitment to prison; and where the original debt does not amount to or exceed the sum of forty shillings, more than forty days from the commencement of this act, or from the time of his, her, or their commitment as aforesaid; and all gaolers, keepers, or turnkeys, are hereby directed and required to discharge such persons accordingly.

Limitation of the time of imprisonment of debtors committed by acts of conscience.

II. *And, in order the more effectually to prevent persons summoned for debts to the said courts from the fraudulent concealment of their money or goods;* be it enacted by the authority aforesaid, That in case, upon the summons of any person for debt before the said court or commissioners, information of any such practice shall be given, such court or commissioners shall have power to hear evidence as to such fraudulent concealment; and in case it shall be proved to their satisfaction, upon the oaths of two or more credible witnesses, (which oath the said court or commissioners are hereby empowered to administer, and which oath, if falsely taken, shall subject the party or parties so taking it to all the pains and penalties of wilful and corrupt perjury), that any such debtor has money or goods which he has wilfully and fraudulently concealed; in that case, the court or commissioners shall have power to enlarge the aforesaid times of imprisonment for debts under twenty shillings, to any time not exceeding thirty days, and for debts under forty shillings, to any time not exceeding sixty days; which said circumstance or ground of further detention shall be specified in the said commitment; and the depositions of the witnesses shall be entered in a book to be kept for that purpose by the clerk to each respective court or commissioners.

Debtors found guilty of a fraudulent concealment of their effects, may be imprisoned for a longer term.

III. And be it further enacted by the authority aforesaid, That at the expiration of the said respective times of imprisonment as aforesaid, every such person or persons shall immediately be discharged and set at liberty, without paying any sum or sums of money, fee or fees, or other reward or gratuity whatsoever, to the gaoler, keeper, or turnkey of such gaol or prison, or others, by way of gaol fees, or discharge fees, or otherwise, on any pre-

Debtors not liable to pay gaol fees.

Penalty on
gaolers de-
manding such
fees.

tence whatsoever; and every gaoler, keeper, or turnkey of any such gaol or prison, or others, demanding, taking, or receiving, any fee or fees, sum or sums of money whatsoever, upon the discharge of any such person or persons, committed or to be committed to his custody as aforesaid, or keeping or detaining any such person or persons prisoner or prisoners, after the respective times limited by this act, shall, for every such offence, forfeit and pay the sum of five pounds.

Two justices
may deter-
mine offences
against this
act.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two justices of the peace where the offence shall be committed, to hear and determine any offence against this act; which said two justices of the peace are hereby authorised and required, upon any information exhibited or complaint made before them of such offence having been committed, to summon the party accused, and also the witnesses on either side, and to examine into the matter of fact; and upon due proof made thereof, by the oath of one or more credible witness or witnesses, or by the voluntary confession of the party, to give judgement or sentence for the penalty or forfeiture, as in and by this act is directed, and to award and issue out their warrant under their hands and seals, for levying the said penalty of five pounds so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed in four days, rendering to the party the overplus (if any); and where the goods of such offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of two months, unless such penalty shall be sooner paid and satisfied.

Penalties and
forfeitures
how to be ap-
plied.

V. And be it further enacted, That all forfeitures and penalties inflicted by this act (the necessary charge for the recovery thereof being first deducted) shall be divided and distributed in manner following; that is to say, One moiety thereof to be paid to the churchwardens or overseers of the poor, for the support and maintenance of the poor of the parish in which the offence shall be committed; and the other moiety to the person or persons who shall inform and sue for the same.

Informations
to be exhibited
within a limit-
ed time.

VI. Provided always, and be it enacted, That no person or persons shall be liable to be convicted before any justices of the peace, for any offence committed against this act, unless complaint or information shall be made or exhibited against such person or persons within two calendar months after such offence committed.

Process not to
issue against
the body and
goods of the
same person.

VII. Provided also, and be it enacted, That it shall not be lawful for any such court or commissioners to issue any process against the body or bodies of any person or persons, where the party intitled to the benefit of any order, judgement, or decree, shall at the same time have obtained any warrant or process against the goods and chattels of the same person or persons.

Qualification
of commis-
sioners.

VIII. And be it further enacted, That, from and after the twenty-fourth day of June, one thousand seven hundred and eighty-six, no person shall be capable of acting as a commissioner in

in the execution of any of the acts for conſtituting ſuch courts, unleſs ſuch perſon ſhall be a houſholder within the county, diſtrict, city, liberty, or place, for which he ſhall act, and ſhall be poſſeſſed of a real eſtate of the annual value of twenty pounds, or of a perſonal eſtate of the value of five hundred pounds: and if any perſon, not being ſo qualified, ſhall preſume to act as a commiſſioner in the execution of any of the acts for conſtituting ſuch courts, every perſon ſo acting ſhall forfeit and pay the ſum of twenty pounds to any perſon or perſons who ſhall ſue for the ſame, to be recovered, with full coſts of ſuit, by action of debt or on the caſe, wherein no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; and the perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid penalty, upon proof being given of his having acted as a commiſſioner in the execution of any of the acts conſtituting ſuch courts: provided always, that ſuch action or ſuit ſhall be commenced within ſix calendar months next after the offence committed, and ſhall be laid or brought in the county, city, or place, where the offence ſhall be committed, and not elſewhere.

Penalty on
acting not
being quali-
fied.

C A P. XXXIX.

An act for widening, enlarging, and cleaning the ſtreets, lanes, and other publick places, and for opening new ſtreets, markets, and paſſages, within the town of Newcaſtle upon Tyne, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common ſtage waggons, drays, and carts, carrying goods for hire.

The mayor, aldermen and common councilmen of Newcaſtle to put this act in execution at the ſequence of the corporation.

C A P. XL.

An act for regulating the production of manuſcripts, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks; and in the claudeſtine reſtanding of goods.

WHEREAS the laws now in force, made to ſecure the payment of the duties due on ſuch goods as are admiſſible to an entry upon importation into this kingdom from foreign parts, and to prevent the claudeſtine and fraudulent importation and exportation of prohibited goods, and the reſtanding of goods ſhipped for exportation, entitled either to bounty or drawback, have been found inſufficient to anſwer the good purpoſes thereby intended; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the times herein-after mentioned, no goods or commodities ſhall be imported or brought into Great Britain, from any port or place whatever, in parts beyond the ſeas, in any ſhip or veſſel whatever, belonging in the whole or in part to his Majeſty's ſubjects, unleſs the maſter, or other perſon ſubjects, un-

No goods to
be imported
into Great
Britain, in any
veſſel belong-
ing to Britiſh
perſon ſubjects, un-

less the master have on board a manifest, containing the particulars herein mentioned.

person having or taking the charge or command of every such ship or vessel, respectively, importing such goods, shall have on board a manifest or manifests, or content or contents, in writing, signed by such master or other person, containing the same or names of the several and respective ports or places where the goods in such manifest or manifests, or content or contents, mentioned, shall have been respectively laden or taken on board, the name and build of such ship or vessel, and the true admeasurement or tonnage thereof, according to the register of the same, together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of all the cargo, and of all packages of goods so laden or taken on board, with the several and respective marks thereon; and of the particulars of the cargo which is stowed loose; and of the following particulars, in words at length: (that is to say), The several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogthead, barrel, or other cask or package, describing such other cask or package by its usual or ordinary name; or whether cask, bale, pack, truss, chest, box, bundle, or other package, or by such other name or description as the same is usually called or known.

No wine to be imported from any place not subject to the crown of Great Britain unless the master has a proper manifest on board.

II. And be it further enacted by the authority aforesaid, That no wine of any sort shall be imported or brought into Great Britain, from any port or place whatever in foreign parts, not belonging to or under the dominion of the crown of Great Britain, in any ship or vessel whatever, unless the master, or other person having or taking the charge or command of the ship or vessel in which such wine shall be laden, shall have on board, in like manner, a manifest or manifests, or content or contents, in writing, made out and signed by such master or other person, on or before the clearing or departure of every such ship or vessel from each and every such port or place where such wine shall be laden on board, containing the name of the several and respective ports or places where the wine mentioned in such manifest or manifests, or content or contents, shall have been respectively laden or taken on board; the name and build of such ship or vessel, and the true admeasurement or tonnage thereof, together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of the whole quantity of wine, distinguishing the quantity of each different kind, so taken on board as aforesaid, and of the several and respective marks upon the different packages respectively, and, if known, the names of the persons to whom the wines are respectively consigned; and also, in words at length, the several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogthead,

hogthead, barrel, or other cask or package, or by what name or description fuch other cask or package may be ufually called or known: provided always, That nothing in this act contained fhall extend, or be continued to extend, to permit any goods or commodities whatever, which are now by law required to be accompanied with certificates or other documents, to be imported into *Great Britain* without all and every fuch certificate or certificates, or other document or documents, to be required; but the fame fhall, and are hereby directed and required to be accompanied, as well with fuch certificate or other document, as with the manifelt or manifests, or content or contents, herein-before directed; and, on failure thereof, the goods fhall refpectively continue to be liable to all and every the duties, regulations, and reftrictions, and to the fines, penalties, and forfeitures, in all refpects, to which the fame are or fhall be fubject and liable by law, as if this act had not been made.

Certificates
requifite on
the importa-
tion of goods
as heretofore.

III. And be it further enacted, That before any fhip or veflel fhall be cleared out for *Great Britain* with any goods or commodities whatever, from any port or place in any colony, plantation, ifland, or territory in foreign parts, belonging to or under the dominion of the crown of *Great Britain*, the mafter, or other perfon having or taking the charge or command of every fuch fhip or veflel, fhall deliver the manifelt or content, in writing, herein-before required, to the collector of the customs (if there be fuch an officer at or near to fuch place); and, if there fhall not be a collector of the customs there, then to the chief officer of the customs; and, if there fhall not be any officer of the customs there, then to the principal officer or magiftrate, or fome other perfon by him fpecially appointed for that purpofe, refident at or neareft to fuch place; which faid collector, or other chief officer or magiftrate, or other perfon by him appointed as aforefaid, fhall refpectively caufe a duplicate thereof to be forthwith made, and fhall indorse upon the original manifelt or content his name, with the day and year on which the fame was prefented to fuch collector or other chief officer or magiftrate, or perfon by him appointed, as aforefaid, and fhall then return the faid original manifelt or content to the faid mafter or other perfon, on or before the clearing of any fuch fhip or veflel; and fuch collector or other chief officer or magiftrate, or other perfon fpecially appointed as aforefaid, fhall refpectively, at and upon the clearing of every fuch fhip or veflel as aforefaid, immediately tranfmit the faid duplicate of fuch manifelt or content, fo made as before directed, under his hand and feal, to the collector and comptroller of his Majesty's customs at the port in *Great Britain* to which the goods are configned, and to which the manifests refpectively refer.

Mafters of
velfels, before
clearing out
for *Great
Britain*, from
any of the
British domi-
nions in to
foreign parts, to
deliver a ma-
nifelt to the
chief officer
of the cus-
toms, &c.

IV. And be it further enacted by the authority aforefaid, That no fort of wine fhall be admitted to an entry on the importation thereof into *Great Britain*, in any fhip or veflel whatever, from any port or place in parts beyond the feas, not belonging to or under the dominion of the crown of *Great Britain*,

Truth of the
manifests to
be verified on
oath, before
the conful,
unless &c. relative

to wine ſhip-
ped in foreign
ports for
Great Britain.

unless the maſter, or other perſon having or taking the charge or command of each and every ſhip or veſſel importing the ſame, ſhall, before his departure from the port or place where ſuch wine is ſhipped or laden on board, verify upon oath the truth of the contents of the ſaid maſt or maſtiffs, in reſpect of the ſaid wine, before the *Britiſh* conſul or other chief *Britiſh* officer, if there ſhall be any ſuch reſident at or near to the port or place where ſuch wine ſhall be laden or taken on board; which oath the ſaid *Britiſh* conſuls, or other chief *Britiſh* officers, is and are hereby reſpectively authorized and required to adminiſter.

Penalty on
maſters of
veſſels im-
porting goods
without a
proper ma-
niſt.

V. And be it further enacted by the authority aforeſaid, That if any goods ſhall be imported or brought into *Great Britain*, in any ſhip or veſſel whatever, belonging in the whole or in part to his Maſteſty's ſubjects, from any port or place whatever in foreign parts, without ſuch maſt or maſtiffs, or content or contents, in writing, or ſhall not be included and deſcribed therein, or ſhall not agree therewith; or, if any wine ſhall be imported or brought into *Great Britain* by any ſuch ſhip or veſſel, without a maſt or maſtiffs, content or contents, ſo verified as aforeſaid; in each and every ſuch caſe the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall forfeit a ſum of money equal to double the value of ſuch goods, together with the full duties payable on the ſame.

Maſters of
veſſels, on
arrival with-
in 4 leagues
of the Britiſh
coast, are
to produce
their ma-
niſt to the
firſt officer
or the cuſtoms
who ſhall
come on
board, and
give him a
copy thereof.
Officer to
certify ſuch
production on
the back of
the original
maſt, and
to transmit
the copy to
the proper
officers at the
port of con-
ſignment, &c.

VI. And be it further enacted by the authority aforeſaid, That every maſter, or other perſon having or taking the charge or command of any ſhip or veſſel, belonging in the whole or in part to his Maſteſty's ſubjects, laden with goods as aforeſaid, and bound to any port or place in *Great Britain*, ſhall, on his arrival within four leagues of the coaſt thereof, upon demand, produce all and every ſuch maſt or maſtiffs, or content or contents, in writing, which ſuch maſter or other perſon is herein-before directed and required to have on board his ſaid ſhip or veſſel, to ſuch officer or officers of his Maſteſty's cuſtoms as ſhall firſt come on board his ſaid ſhip or veſſel, for his or their examination and inſpection, and ſhall deliver to ſuch officer or officers a true copy thereof, reſpectively (which copy ſhall be provided and ſubſcribed by the ſaid maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel); and that the ſeveral and reſpective officer and officers to whom the original maſt ſhall have been ſo produced, ſhall certify upon the back thereof that the ſame was produced, and alſo the day and year on which the ſame was or were ſo produced, and ſuch copy or copies as aforeſaid were to him or them delivered; and ſhall likewiſe certify upon the back of ſuch copy or copies the day and year on which the ſame was or were produced, and ſhall forthwith transmit ſuch copy or copies to the reſpective collectors and comptrollers of the ſeveral ports to which the goods, by ſuch maſt or maſtiffs, ſhall appear reſpectively to be conſigned; and that the ſaid maſter, or other perſon ſo having or taking the charge or command of any ſuch ſhip or veſſel, ſhall

in like manner produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival within the limits of any port of *Great Britain* in which the cargo, or any part thereof, is intended to be discharged or landed, such manifest or manifests, or content or contents, in writing as aforesaid, and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master, or other person having or taking the charge or command of such ship or vessel), the production of which said manifest or manifests, or content or contents, in writing, and the delivery of such copy or copies thereof, to be delivered as is herein-before directed, shall also be certified to have been so produced and delivered as aforesaid, by the said officer or officers of his Majesty's customs who shall so first come on board the said ship or vessel, on her arrival within the limits of any such port, upon the back of the said original manifest or manifests, or content or contents, in writing, with the particular day and year, and the time when such manifest or manifests, or content or contents, in writing, was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests, or content or contents, in writing, to the collector and comptroller of that port: provided always, That nothing herein contained shall be construed to extend to require of such master, or other person having or taking the charge or command of such ship or vessel, the delivery of more than one copy of the manifest or manifests, content or contents, respectively, which he is hereby directed to have on board, to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of *Great Britain*, and to none other who shall afterward come on board, within the distance aforesaid; and one other copy to such officer or officers as shall first come on board within the limits of any port in *Great Britain*, and to none other who shall afterwards come on board within such limits, if such master, or other person so having or taking the charge or command of any such ship or vessel, shall produce to such officer or officers respectively his manifest or manifests, content or contents, with a certificate on the back thereof, as aforesaid: provided also, That if any manifest or content, herein-before directed to be delivered up to the collector and comptroller of any port where such ship or vessel arrives, shall contain an account of goods not there to be landed, but which shall appear to be consigned to some other port or place in *Great Britain*, then, and in such case, that the collector and comptroller shall certify upon such manifest, under their hands, such part of the cargo as shall there have been delivered, and shall then deliver back the original manifest to the master, or other person having or taking the charge or command of the ship or vessel; and so in like manner, as often as the case shall require,

Master not required to give more than two copies of his manifest.

until

until fuch ſhip or veſſel ſhall arrive at her laſt port or place of diſcharge.

Penalty on
maſter neg-
lecting to pro-
duce his ma-
niſeſt, or to
give a copy
thereof to the
proper officer,
&c.

VII. And be it further enacted by the authority aforeſaid, That, if the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel laden as aforeſaid, and bound to any port or place in *Great Britain*, ſhall not, upon his arrival within the limits of any port in *Great Britain* as aforeſaid, or within four leagues of the coaſt thereof, produce ſuch maniſeſt or maniſeſts, or content or contents, in writing, to the officer and officer's of his Majeſty's cuſtoms as aforeſaid, upon demand thereof, and alſo give ſuch copy or copies thereof as aforeſaid to the officer or officers of his Majeſty's cuſtoms who ſhall firſt come on board ſuch ſhip or veſſel, upon her arrival, as aforeſaid, within any port in *Great Britain*, where the cargo, or any part thereof, is intended to be diſcharged or landed, or ſhall not give an account of the deſtination of ſuch ſhip or veſſel, or ſhall give a falſe account of the deſtination thereof, in order to evade the production of the maniſeſt or maniſeſts, or content or contents, in writing, the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall forfeit a ſum equal to double the value of the goods, together with the full duties due and payable thereon; and if ſuch officer or officers firſt coming on board, within the diſtance or limits aforeſaid, ſhall neglect or reſuſe to certify on the back of ſuch maniſeſt or maniſeſts, or content or contents, the production thereof, and the delivery of ſuch copies, reſpectively, as are herein-before directed and required to be delivered to ſuch officer or officers, every ſuch officer, ſo neglecting or reſuſing ſhall forfeit and pay the ſum of one hundred pounds.

and on officer
neglecting to
certify the
production
thereof, &c.

Maſter and
mate of any
ſuch veſſel,
who ſhall ſuf-
fer bulk to be
broken within
the ſaid li-
mits, unau-
thorized by
the proper of-
ficer, ſhall
forfeit each
ool.;

VIII. And be it further enacted by the authority aforeſaid, That if, after the arrival of any ſhip or veſſel ſo laden with goods as aforeſaid, and bound to *Great Britain*, either within the limits of any of the ports of *Great Britain*, or within four leagues of the coaſt thereof, bulk ſhall be broken, or any part of the cargo of ſuch ſhip or veſſel ſhall be unladen or unſhipped with intention to be laid on land, or unſhipped for any other purpoſe whatever, out of ſuch ſhip or veſſel as aforeſaid, within the limits or diſtance aforeſaid, before ſuch ſhip or veſſel ſhall come to the proper place for the diſcharge of her cargo, or any part thereof, and ſhall be there duly authorized by the proper officer or officers of the cuſtoms to unlade the ſame, the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, and the mate or other perſon next in command, ſhall reſpectively forfeit and loſe the ſum of two hundred pounds, except in caſe of unavoidable neceſſity and diſtreſs of weather, or other unavoidable accident, neceſſity, or diſtreſs, of which neceſſity and diſtreſs, or other unavoidable accident, the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall give notice to, and (together with two or more of the mariners on board ſuch ſhip or veſſel) ſhall make proof, upon oath, before the collector

except, &c.

or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector or other chief officer of the first port in *Great Britain*, within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened, not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector or other chief officer is hereby authorized and required to administer).

IX. And be it further enacted by the authority aforesaid, That if, upon the arrival of any ship or vessel within the limits of any port in *Great Britain*, for the discharge of the cargo, or any part thereof, there shall be any goods which, from necessity, or from the nature of the cargo, must be unavoidably stowed, either in the cabin, or between the decks, or upon the decks, or in the steerage, forecabin, or other place or places, out of the main hold of any such ship or vessel (save and except such part of the cargo as is stowed in the chains, or in other parts on the outside of such ship or vessel), in such case the officer or officers of the customs who shall first go on board, shall, before he or they shall leave the ship or vessel, mark or seal such several and respective packages, in such manner as such officer or officers shall be directed by the commissioners of the customs, or any four or more of them, in *England*, or the commissioners of the customs, or any three or more of them, in *Scotland*; for the time being, and shall keep a particular account thereof; which mark or seal shall not be altered, defaced, or broken, before the goods contained in such packages shall be respectively landed, either at the lawful quays, or at such other places as shall from time to time be allowed for that purpose, by special sufferance or leave from the commissioners and officers of his Majesty's customs, and under the authority of an order from the proper landing waiters, and likewise in the presence of such superior officer or officers as the said commissioners of the customs, in *England* and *Scotland* respectively, shall appoint to see such packages opened.

Directions relative to goods not stored in the main hold.

X. And be it further enacted by the authority aforesaid, That if any of the marks or seals which shall have been put upon any of the packages as before directed, shall be altered, defaced, or broken, by the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence or offences shall be committed, or by any of the crew, or shall be committed by any other person, with the privity or consent of the said master, or other person having or taking the charge or command of such ship or vessel, every such master, or other person having or taking the charge or command of such ship or vessel, and also the mate or such person as shall be next in command to such master, or other person having the charge and command as aforesaid, shall, for each and every offence so committed, forfeit two hundred pounds.

If any marks on such goods shall be defaced, with the privity of the master and mate, they shall forfeit 200l. each.

XI. And be it further enacted by the authority aforesaid, That

Master of every vessel importing such goods to make entry, upon oath, of her burthen, lading, &c. before the chief officer at the port of importation;

23 & 24 Car. 2. c. 11.

and deliver his manifest to him,

on penalty of 200l.

Penalty on the master if the goods reported shall not agree with the manifest, &c.

Certain cases in which the penalties shall not be incurred.

That the master, or other person having or taking the charge or command of any ship or vessel, in which such goods shall be so imported or brought as aforesaid into *Great Britain*, shall, within twenty-four hours after the arrival of such ship or vessel at such places respectively as shall hereafter be fixed upon and appointed for that purpose by the commissioners of the customs, or any four or more of them, in *England*, or the commissioners of the customs, or any three or more of them, in *Scotland*, for the time being, make entry, upon oath, of the built, burthen, contents, and lading of such ship or vessel, with the particular marks, numbers, and contents of every parcel of goods then laden on board such ship or vessel, to the best of his knowledge and belief, and do and perform every act and thing in relation thereto, before the customer, collector, or other chief officer of the customs of the said port, openly in the custom-house at the same port, in the manner directed and required by an act, passed in the thirteenth and fourteenth years of the reign of his late majesty King *Charles the Second*, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, under the penalty of the forfeiture of one hundred pounds; and the said master or other person shall, at the time he so makes his report or entry of his ship upon oath, at the custom-house as aforesaid, deliver to the collector, or other chief officer of the customs at the said port, the manifest or manifests, or content or contents, in writing, as before directed to accompany their respective cargo, and to be on board every ship or vessel in which goods shall be so imported or brought as aforesaid into *Great Britain*; and if the said master, or other person having or taking the charge or command of any such ship or vessel, shall neglect or refuse to deliver such manifest or manifests, or content or contents, in writing, as aforesaid, to the said collector or other chief officer of the customs, at the time he so makes his report or entry of his ship upon oath at the custom-house as aforesaid, every such master, or other person so having or taking the charge or command of such ship or vessel, shall, for every such offence, forfeit and lose the sum of two hundred pounds.

XII. And be it further enacted by the authority aforesaid, That if any package whatever, which shall have been reported by the master, or other person having or taking the charge or command of any ship or vessel in manner herein-before directed, shall be wanting, and not found on board such ship or vessel, in conformity to such report; or if the goods reported shall not agree with the manifest or manifests, content or contents; or if either the report or manifest or manifests shall not agree with the cargo found on board of such vessel or vessels; then, and in every such case, the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of two hundred pounds: provided nevertheless, That in case any goods shall be imported without such manifest or manifests, or content or contents, in writing, as herein before is directed; or in case the manifest or manifests,

or

or content or contents, accompanying the goods, shall not agree with the report, or shall be defaced or incorrect, or shall not agree with the goods on board, and it shall be made to appear, to the satisfaction of the commissioners of the customs, that the cargo imported was wholly taken on board in foreign parts, naming the particular places where it was taken on board respectively, and that no part of the cargo has been unshipped since it was taken on board, and that the manifest or content has been lost or mislaid without fraud or collusion, or that the same was defaced by accident, or incorrect by mistake; in such case, the penalties and forfeitures herein-before inflicted shall not be incurred: provided also, That in case any goods shall, from urgent necessity, be taken on board of any ship or vessel in any foreign port or place, for *Great Britain*, after such manifest or manifests, or content or contents, as required by this act, shall have been attested in manner herein-before directed, the master, or other person having or taking the charge or command of such ship or vessel, shall make out, or cause to be made out, and shall sign, a separate manifest or manifests, or content or contents, of all such goods as shall be so taken on board; which manifest or manifests, or content or contents, shall be subject to all and every provision in this act contained, to all intents and purposes, in like manner as the manifest or manifests, or content or contents, so attested as aforesaid, are subjected; and in such case, the penalties and forfeitures herein-before inflicted, with respect to goods imported without a manifest or content, shall not be incurred, if the urgent necessity of so taking such goods on board shall be made to appear, to the satisfaction of the commissioners of the customs in *England* and *Scotland* respectively.

XIII. And be it further enacted by the authority aforesaid, That if any goods so taken on board any ship or vessel in any foreign port or place, shall, after the arrival of such ship or vessel within the limits of any port of *Great Britain*, or within four leagues of the coast thereof, or after the first production of the manifest or manifests, or content or contents, to the officers of the customs, in manner herein-before directed (whether such goods shall be inserted in the said manifest or manifests, or content or contents, herein-before directed to accompany such goods, or not), be thrown overboard, or staved, or otherwise in any manner destroyed (except in case of unavoidable necessity, proof of which shall be made, to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively), the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence shall be committed, shall forfeit two hundred pounds.

XIV. And be it further enacted by the authority aforesaid, That all and every importer or importers, proprietor, or proprietors, or consignee or consignees, of any goods imported or brought into *Great Britain* as aforesaid, shall severally and respectively, within twenty days after the master, or other person

Penalty on masters permitting goods to be thrown overboard, &c. after arrival within the aforesaid limits.

Importers, &c. within 20 days after the master's report, to make entry, with

the proper
officer, of all
goods im-
ported, &c.
by them, and
pay the duties.

having or taking the charge or command of fuch fhip or vefſel, ſhall have made his report or entry upon oath, in manner here-
in-before directed, or after the expiration of the time within
which he is required by law ſo to do, make a due entry in writ-
ing, in the uſual and accuſtomed manner, with the collector or
other chief officer of the customs, at the port in *Great Britain*
where the ſhip or vefſel ſo laden as aforeſaid ſhall arrive, of all
the goods ſo by them, and each and every of them, reſpectively,
imported in ſuch ſhip or vefſel, or of which they and each and
every of them are the importers, proprietors, or conſignees, re-
ſpectively, and ſhall pay the full duties due and payable, in
ready money, for ſuch goods, within the time aforeſaid; and
that if he or they reſpectively ſhall fail in ſo doing, it ſhall and
may be lawful for the officers of the customs to convey ſuch
goods to his Maſeſty's warehouse at the cuſtom-houſe for ſecu-
rity of the duties; and if the full duties are not paid for ſuch
goods within the ſpace of three calendar months from the time
they ſhall be ſo brought to the ſaid warehouse at the cuſtom-
houſe, they ſhall and may be then forthwith ſold, and the pro-
duce applied agreeably to an act, paſſed in the twelfth year of
the reign of her late maſeſty Queen *Anne*, intituled, *An act for*
encouraging the ſeas trade; any law, uſage, or cuſtom to the
contrary notwithstanding: provided nevertheless, That nothing
herein-before contained ſhall extend, or be conſtrued to extend,
to the ſelling of any goods which may by law be entered and
warehouſed, upon bond or ſecurity being given for the whole
of the duties due thereon.

22 Annæ, c. 8.

From Aug. 1,
1786, no veſ-
ſel ſhall be
cleared out for
foreign parts,
until the maſ-
ter and mate
have given
bond not to
land illegally
any goods on
board, &c.

XV. And be it further enacted by the authority aforeſaid,
That, from and after the firſt day of *Auguſt*, one thouſand ſeven
hundred and eighty-fix, it ſhall not be lawful for any officer
of his Maſeſty's customs in *Great Britain* to permit
ſuffer any ſhip or vefſel to be cleared out for foreign parts, from
any port or place whatever in *Great Britain*, until the maſter,
or other perſon having or taking the charge or command of ſuch
ſhip or vefſel, and the mate of ſuch ſhip or vefſel, ſhall ſeverally
and reſpectively give ſecurity to his Maſeſty, his heirs and ſuc-
ceſſors, by bond, in the penalty of two hundred pounds, (which
ſecurity ſhall be taken by the collector, or other principal officer
of the customs, at ſuch port or place, who is hereby authorized
and required to take ſuch ſecurity), with condition that ſuch
maſter, or other perſon having or taking the charge or com-
mand of ſuch ſhip or vefſel, or ſuch mate, as the caſe may be,
will not at any time thereafter land, or cauſe to be landed, any
goods, in any part of this kingdom, in any manner which is or
ſhall be prohibited by law, or take the ſame on board in order
to their being ſo landed, nor be anywiſe concerned, or aiding
or aſſiſting in fraudulently importing, unſhipping, or landing
the ſame, and will not hinder, moleſt, or oppoſe, any of his Ma-
ſeſty's officers of the customs or exciſe, or any other perſon or
perſons aſſiſting them, or either of them, in the due execution
of their reſpective offices or employments; or until ſuch maſter,
or

or other person having or taking the charge or command of such ship or vessel, shall produce a certificate, under the hand of the collector, or other principal officer of the customs, at some other port or place in *Great Britain*, of such security having been before given at such other port or place, to such collector or other principal officer, by such master and mate.

XVI. And be it further enacted by the authority aforesaid, That there shall not be paid or allowed to any person whatsoever, upon the exportation of any goods entitled to either drawback, or bounty, upon exportation, any drawback, bounty, or allowance whatever, if the goods are in bales prepacked, unless the several different names and species of the goods and the quantities and qualities thereof, respectively, shall be verified by the respective master packer or master packers thereof, or one of them, or in case of the absence of such master packer or master packers, or one of them, from sickness or other unavoidable necessity, by the foreman, or other servant of such master packer, or master packers, respectively, who shall have actual knowledge of the contents of the bales so respectively prepacked, in the following manner; (that is to say), If the goods are packed at the port whence they are to be exported, or within ten miles thereof, then by oath made and subscribed upon the entry or coquet, before the collector or comptroller, or other chief officer of the customs at such port, who is and are hereby respectively authorized to administer the same); and if such goods are packed at any greater distance than ten miles from the port from whence the goods are to be exported, then on the like oath made, and subscribed in manner aforesaid, before some magistrate or justice of the peace for the county or place where such master packer or packers shall reside.

Clause relative to goods exported in bales prepacked, etc.

XVII. And be it further enacted by the authority aforesaid, That every master, or other person having or taking the charge or command of any ship or vessel, on board of which any goods shall be shipped for exportation to foreign parts, from any port or place in *Great Britain*, shall, upon demand, produce and deliver to each and every officer or officers of his Majesty's customs, who shall come on board his ship or vessel, either within the limits of any port in *Great Britain*, or within four leagues of the coast thereof, all and each and every coquet or coquets delivered to him by the proper officer or officers of the customs, at the port or ports, place or places, where the ship or vessel shall have been cleared out, for the examination and inspection of every such officer or officers, under the penalty of one hundred pounds; and if such officer or officers shall find any of the goods on board such ship or vessel not to correspond with the coquet or coquets so produced, he or they is and are hereby authorized and required to seize the said goods, which shall be forfeited; or if such officer or officers shall discover that any of the packages indorsed upon the coquet or coquets so produced, are not on board the said ship or vessel, the master,

Penalty on masters who shall not deliver coquets to the proper officers;

or whose cargo shall not be agreeable thereto.

or other person having or taking the charge or command of the ship or vessel, shall forfeit the sum of twenty pounds for each, and every package contained in such cocquet or cocquets, and not found.

Debentures on exportation of goods entitled to drawback, or bounty, to be made out in the names of the real owners.

Companies trading by a joint stock may employ an agent, etc.

XVIII. And be it further enacted by the authority aforesaid, That no entry shall pass, nor any debenture be made out, upon exportation to foreign parts from *Great Britain*, of any goods whatever, which are entitled either to drawback or bounty upon exportation, but in the name of the real owner or owners, or proprietor or proprietors of the goods, if they, or any of them, are resident in *Great Britain*; and that before such owner or owners, or proprietor or proprietors, shall receive the drawback or bounty, or any allowance to which such goods may be entitled, or any part thereof, one or more of them, and not any broker or agent on his or their behalf, shall, upon the debenture, verify, by oath, his or their so being the real owner or owners, or proprietor or proprietors, of such goods, and also that the goods are really and *bona fide* exported to foreign parts, and have not been relanded in *Great Britain*; any law, custom, or usage to the contrary notwithstanding: provided always, That such real owner or owners, or proprietor or proprietors of such goods, if he or they shall not have purchased or obtained a right to, or property in, the drawback to which such goods are intitled, shall, and is and are hereby required, at the time such goods are entered for exportation, to acknowledge in writing under his or their hands upon the entry, the person or persons who is or are intitled to such drawback; and such person or persons shall, after the requisites of this act are fully complied with, receive such drawback; and the receipt of such person or persons upon the debenture shall be an acquittal and discharge for such drawback: provided nevertheless, That nothing in this act shall extend, or be construed to extend, to hinder or prevent the agent of any corporation or company trading by a joint stock from making oath, in the manner now by law allowed, to entitle such corporation or company to obtain any drawback or allowance upon the exportation of goods from *Great Britain*; nor to hinder or prevent any proprietor or proprietors of lands in any of his Majesty's colonies or plantations, nor any person or persons whatever, from exporting from any place, other than that at which he or they reside, if such person or persons shall reside at a greater distance than twenty miles from such place, any goods or commodities whatever; nor any person or persons whatever from exporting from any place, other than that at which he or they reside, any goods whatsoever, of *British* manufacture, (being the property of such person or persons), by and in the name of an agent, and such agent is hereby authorised to do and perform every act and thing, to entitle the real proprietor or proprietors of the goods to all and every bounty, drawback, or allowance, due by law upon the exportation of such goods, and to recover the same in as full and ample manner as if the real proprietor or proprietors was or were to act therein;

therein; provided such agent shall testify upon oath, on the back of the debenture, over and besides what is already by law required to be testified upon oath before the collector or comptroller, or other chief officer of the customs, (who is and are hereby authorised to administer the same), the name or names of the real proprietor or proprietors of the goods, and his or their known place of abode, and shall, if required by the said collector or comptroller, or other chief officer, give good and sufficient reason for his knowledge of the place to which the goods are intended to be exported.

XIX. Provided always, and it is hereby further enacted by the authority aforesaid, That, from and after the twenty-ninth day of September, one thousand seven hundred and eighty-six, no bounty or premium shall be paid or allowed for or upon any goods whatsoever exported from this kingdom to Ireland, and that no drawback, bounty, or premium shall be paid or allowed for or upon any goods whatever exported from this kingdom to the islands of Guernsey or Jersey, nor any debenture made out for such drawback, bounty, or premium, until a certificate shall be produced, under the hands and seals of the collector, comptroller, and surveyor of the customs, or any two of them, belonging to such port in Ireland, or from the register of certificates, or other chief officer of the customs in the said islands of Guernsey or Jersey, as such goods shall have been respectively landed at, certifying that the goods have been duly landed there; any law, custom, or usage to the contrary notwithstanding.

From Sept.
29, 1786, no
bounty, etc.
to be paid for
goods exported
to Ireland,
Guernsey,
etc. without
a proper certificate.

XX. And be it further enacted by the authority aforesaid, That no goods whatever, intitled to either drawback, bounty, or premium, shall be carried or put on board any ship or vessel whatever for exportation to foreign parts by any person or persons whatever, (except the proper officers of the revenue), other than such person or persons as shall be authorised for that purpose, by licence under the hands of the commissioners of his Majesty's customs, or any four or more of them, for the time being, who are hereby authorised to grant the same, and to require such security as they may deem necessary, by bond or otherwise, to be given by the person or persons to whom they shall grant such licence, for the actual delivery of the whole of the goods on board such ship or vessel to the officers of the revenue stationed on board, and for the faithful and incorrupt dealing, in every respect of such person or persons in regard to such goods; which said persons so to be licensed as aforesaid, shall and are hereby required, upon carrying such goods on board any ship or vessel, to give clear and full information thereof, in writing, to the master, or other person then in charge of such ship or vessel, for the better enabling the master to give notice, as required by this act, previous to his clearing out with drawback or bounty goods; which licence, when granted by the commissioners of the customs, shall not be withdrawn by them, or the operation under the same in any manner hindered, obstructed or prevented, unless either the person or persons to whom such licence shall have been granted, or some other person or persons employed

Goods intitled to drawback, etc. by whom to be put on board.

by them, and with his or their privy or consent, shall commit some act against any law now made, or hereafter to be made, to secure the revenue of customs or excise, and shall be convicted thereof, in which case the said commissioners shall and are hereby authorized and required to withdraw such licence.

To whom licences for that purpose shall be granted.

XXI. Provided always, and be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs shall, and are hereby required to grant such licence as aforesaid to all and every person and persons who is or are now, by law, intitled to carry or put on board such goods, and who shall give such security as the said commissioners, or any four or more of them, shall deem necessary, and to no other person or persons whatever.

Penalty on masters of vessels who shall neglect to bring to at the usual places appointed for stationing of officers of the revenue.

XXII. And whereas it has frequently happened, That ships or vessels, as well bound to Great Britain from foreign parts, as from Great Britain to foreign parts, have passed the usual places appointed for stationing officers of the revenue on board of vessels, and for relieving or landing such officers, without bringing to for such purpose; be it therefore enacted by the authority aforesaid, That the master, or other person having or taking the charge or command of any ship or vessel coming or arriving from foreign parts, shall not presume to pass such usual places, or such other places as may hereafter be appointed for that purpose by the commissioners of his Majesty's customs, or any four or more of them, for the time being, without bringing to and receiving the revenue officers on board; or, being out-ward bound for foreign parts, shall not presume to pass without bringing to at such usual places, or such places as shall be appointed as aforesaid, for the purpose of the cargo being examined, and of relieving or landing such officers, unless in case of unavoidable necessity or distress of weather, or other unavoidable accident, to be made appear to the satisfaction of the commissioners of the customs; and that every such master, or other person, who shall to pass without bringing to for the purposes aforesaid, either inward or outward-bound, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Revenue officers on board to have free access to the cabin, and may open ports, locks, etc.

XXIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, any officer or officers of his Majesty's revenue, properly authorized to examine a ship or vessel, or the cargo on board thereof, shall, at all times, have free access to the cabin, and every other part or parts in such ship or vessel; and in case any places within the cabin, fore-castle, steerage, or any other part of the ship, or any boxes, chests, or other thing contained therein, shall be locked, or in any manner fastened, and the keys shall be withheld, or the places shall not be opened for such officers respectively, on their requiring the same of the master, or other person having or taking the charge or command of such ship or vessel, such officer or officers, if they are of a degree superior to tide-men or watermen, shall, and are hereby authorized and empowered to open the same in the best manner they can, and

are

are hereby indemnified in so doing; but if such officers shall only be in the class of tidemen or watermen, they shall, and are hereby required to send for their superior officer, who is hereby in like manner authorised to open, or cause the same to be opened; and shall be, and is and are hereby indemnified in so doing.

XXIV. *And whereas, by an act passed in the ninth year of his present Majesty's reign, (intituled, An act for better securing the duties of customs upon certain goods removed from the out ports, and other places, to London; for regulating the fees of the officers of his Majesty's customs, in the province of Senegambia in Africa; for allowing to the receivers general of the duties on offices and employments in Scotland a proper compensation for their trouble and expences; for the better preservation of hollies, thorns, and quicksets, in forests, chafes, and private grounds, and of trees and underwoods in forests and chafes; and for authorising the exportation of a limited quantity of an interior sort of barley, called Bigg, from the port of Kirkwall in the islands of Orkney), it is amongst other things enacted, That no Nanquin cloth, muslins, foreign calicoes, or foreign dimity, exceeding in quantity one intire piece; and no china earthenware, exceeding in number twelve pieces, (if the same shall have been imported or sent at any out port in Great Britain), shall be brought, removed, or carried, either by land or by water, from any out port, or other place, whithersoever, in Great Britain, into the port of London; or to the members thereof, or to any place whatsoever, within the distance of twenty miles from the Royal Exchange of London, without a certificate from the collector, or other proper officer of his Majesty's customs, at the port or place where such goods were imported or seized, certifying that the duties upon the importation of such goods have been duly paid or satisfied, or that the said goods have been before compounded for, or condemned, which facts shall be verified by the oath of the importer or proprietor thereof, referring to the times when, and the place where, such goods were entered, condemned, or compounded for; and if such goods shall have been imported or seized within the port of London, and sent from thence to any out port for sale, they shall not be removed as aforesaid from any out port into the port of London, or the members thereof, or to any place whatsoever within the distance of twenty miles from the Royal Exchange of London, without a certificate from the collector or other proper officer of his Majesty's customs, at or nearest to the port or place from whence such goods are intended to be removed, certifying that the owner or proprietor of such goods hath made oath before him, that the said goods, and every part thereof, had been sent to such owner or proprietor from London, for sale, in the lawful way of trade, referring to the time when, with the name and residence of the person from whom, such goods were sent, and that such owner or proprietor verily believed the duties payable upon the importation of such goods had been duly paid and satisfied, or that the said goods had been before compounded for or condemned; and the said respective certificates shall express the quantity and quality of the said goods, with the marks of*

the package thereof, to what places, and to whom, the ſame are conſigned, and by what carriage the ſame are intended to be removed; and, if the ſaid goods are removed by land, the ſaid certificate ſhall alſo expreſs and limit the time for which the ſame ſhall continue in force: and whereas further regulations are neceſſary, to attain the good purpoſes intended by the ſaid act: be it therefore enacted by the authority aforeſaid, That, from and after the paſſing of this act, no goods or commodities whatever, of the growth, production, or manufacture of the countries beyond the Cape of Good Hope, ſhall in any manner, or upon any pretence whatever, be brought, removed, carried, or conveyed, either by land or by water, from any place whatever, into the cities of London and Weſtminſter, and the liberties thereof, or the borough of Southwark, and the ſeveral ſuburbs thereof, or into the pariſhes of Saint Mary le bon, and Saint Pancras, in the county of Middleſex, without a certificate, as directed by the ſaid laſt recited act, made in the ſaid ninth year of his preſent Maſteſty's reign, or without a certificate from the collector or other proper officer of his Maſteſty's cuſtoms in the port of London, certifying that the duties have been duly paid for the ſame at the importation thereof, or that the ſame have been before compounded for or condemned; which ſhall be verified by the oath of the proprietor or proprietors of ſuch goods, referring to the time or times when ſuch goods were entered, compounded for, or condemned, under the penalty of the forfeitue of all ſuch goods, and of the packages, which ſhall be ſo brought, removed, carried, or conveyed into, or which ſhall be found carrying, conveying, or removing to, the ſaid cities and places aforeſaid, or any of them, with intent to bring ſuch goods into ſome or one of the cities or places aforeſaid without ſuch certificate as before directed, together with the boats, carts, horſes, cattle, and carriages, made uſe of in the removal, carriage, or conveyance of the ſame, and the furniture belonging thereto.

No goods, the growth or manufacture of any country beyond the Cape of Good Hope, ſhall be brought into London or Weſtminſter, etc. without a proper certificate that the duties have been duly paid, etc.

The proof of the place to which ſuch goods were removing to lie on the claimer.

XXV. And be it further enacted by the authority aforeſaid, That if, from and after the paſſing of this act, any diſpute ſhall ariſe, touching the place to which ſuch goods or commodities, as aforeſaid, were removing, carrying, or conveying, the claimer or claimers of ſuch goods or commodities ſhall prove that they were removing, carrying, or conveying to ſome place, other than the cities and places aforeſaid; and that the proof of their being removing, carrying, and conveying to the cities and places aforeſaid, ſhall not lie on the officer who ſhall ſeize or ſtop ſuch goods.

In certain caſes ſuch goods may be removed without forfeitue thereof.

XXVI. Provided always, and it is hereby enacted by the authority aforeſaid, That nothing in this act ſhall extend, or be conſtrued to extend, to forfeit any of the aforeſaid commodities, which ſhall be removed, or found removing, as before mentioned, if it ſhall appear, to the ſatiſfaction of the commiſſioners of the cuſtoms, that ſuch goods were bought in a lawful and open way of trade, or are the property of private perſons, and have been uſed as their domeſtick furniture.

XXVII. And

XXVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for the commanders of any of his Majeſty's ſhips or veſſels of war, or any commiſſioned warrant or petty officer, ſpecially authorized by them, to ſeize, without having any deputation or commiſſion from the commiſſioners of his Majeſty's customs or exciſe for that purpoſe, any goods or commodities whatever, or any ſhips or veſſels whatever, which ſhall be ſubject to forfeiture by this act, or by any other act or acts of parliament now in force, for any offence againſt the revenue of customs or exciſe: provided the commander of ſuch ſhip or veſſel of war ſhall bring, or cauſe to be brought, every ſuch ſeizure to his Majeſty's warehouse at the neareſt custom-houſe to which ſuch ſeizure can conveniently be brought, and ſhall there lodge and depoſit the ſame, in the cuſtody, and under the charge and care of the proper officer of the customs, in caſe the ſeizure ſhall be made under any act for ſecuring the revenue of customs, or in the cuſtody, and under the charge and care of the proper officer of exciſe, in caſe it ſhall be made under any act for ſecuring the revenue of exciſe only; and ſhall, in all reſpects, in regard to the proſecution or delivery of any ſuch ſeizure, conform to all and each and every of the rules, regulations, and reſtrictions to which the officers of his Majeſty's customs and exciſe are now, in caſe of ſuch ſeizures made by them reſpectively, ſubject; any law, custom, or uſage to the contrary notwithstanding.

XXVIII. And whereas great difficulties have ariſen in aſcertaining the truth of facts relative to his Majeſty's revenue of customs, as well as to the conduct of the officers employed therein, upon examinations and inquiries made by the ſurveyors general of the customs; be it therefore enacted by the authority aforeſaid, That, from and after the paſſing of this act, any perſon or perſons examined before them as a witneſs or witneſſes, or any or either of them, reſpectively, ſhall deliver his, her, or their teſtimony upon oath, to be adminiſtered by the ſurveyor general, or ſurveyors general reſpectively, who ſhall examine them; and ſuch ſurveyor or ſurveyors general are hereby authorized to adminiſter ſuch an oath accordingly; any law, custom, or uſage to the contrary notwithstanding.

Witnesses to be examined on oath before the ſurveyors general of the customs.

XXIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall be convicted of making a falſe oath, touching any of the facts directed or required by this act to be teſtified on oath, or of giving falſe evidence, on his, her, or their examination on oath before the ſurveyors general of the customs, or any one or more of them, reſpectively, in conformity to the directions of this act, ſuch perſon or perſons ſo convicted as aforeſaid ſhall be deemed guilty of perjury; and ſhall be liable to the pains and penalties to which perſons are liable for wilful and corrupt perjury.

Perſons making a falſe oath, etc. to be deemed guilty of perjury.

XXX. And be it further enacted by the authority aforeſaid, That all penalties and forfeitures created and incurred by this act, ſhall and may be ſued for, proſecuted, recovered, and diſpoſed

Penalties and forfeitures how to be recovered and applied.

poſed of, in ſuch manner, and by ſuch ways, means, and methods, as any penalties incurred, or any goods or veſſels forfeited for any offence againſt the laws of cuſtoms, may now legally be ſued for, proſecuted, recovered, and diſpoſed of; and the officer or officers concerned in ſeiſures or proſecutions under this act, ſhall be entitled to, and receive ſuch ſhare of the produce ariſing from the ſeiſures as they are now by law entitled to upon proſecutions of ſeiſures for unlawful importation, and to ſuch ſhare of the produce ariſing from any pecuniary fine, or penalty, or compoſition, paid for any offence againſt this act, as they are now by any law or regulation entitled to upon proſecutions for pecuniary penalties.

If in a trial for ſeiſure of goods, where in a verdict ſhall be given for the claimer, there ſhall appear to have been probable cauſe for ſuch ſeiſure, the defendant ſhall not be intitled to coſts, etc.

XXXI. And be it further enacted by the authority aforeſaid, That, from and after the paſſing of this act, in caſe any information ſhall be commenced and brought to trial, on account of the ſeiſure of any goods, or of any ſhip, boat, or other veſſel, or of any horſe, cattle or carriage, as forfeited by this or any other act of parliament relating to his Majeſty's cuſtoms or exciſe, or other his Majeſty's revenues, wherein a verdict or ſentence ſhall be given for the claimer thereof, and it ſhall appear to the judge, juſtice, or court, before whom the ſame ſhall be tried or heard, that there was a probable cauſe of ſeiſure, the judge, juſtice, or court before whom the ſame ſhall be tried or heard, ſhall certify on the record or other proceedings that there was a probable cauſe for the proſecutor's ſeiſing the ſaid goods, ſhip, boat, or other veſſel, horſe, cattle, or carriage; and in ſuch caſe the defendant ſhall not be entitled to any coſts of ſuit whatſoever, nor ſhall the perſons who ſeiſed the ſaid goods, ſhip, boat, veſſel, horſe, cattle, or carriage, be liable to any action, or other ſuit or proſecution, on account of ſuch ſeiſure; and in caſe any action, or other ſuit or proſecution, ſhall be commenced and brought to trial or hearing againſt any perſon or perſons whatſoever, on account of the ſeiſing any ſuch goods, ſhip, boat, veſſel, horſe, cattle, or carriage, where no information ſhall be commenced or brought to trial to condemn the ſame, and a verdict or ſentence ſhall be given, upon ſuch action or proſecution, againſt the defendant or defendants, if the court or judge before whom ſuch action or proſecution may be brought ſhall certify, in like manner as aforeſaid, that there was a probable cauſe for ſuch ſeiſure, then the plaintiff, beſides his goods, ſhip, boat, veſſel, horſe, cattle or carriage ſo ſeiſed, or the value thereof, ſhall not be entitled to above two-pence damages, nor to any coſts of ſuit, nor ſhall the defendant in ſuch proſecution be fined above one ſhilling.

Commencement of this act.

XXXII. And be it further enacted by the authority aforeſaid, That the ſeveral regulations in this act contained, except where the time for commencement thereof is otherwiſe in this act fixed and provided for, ſhall commence from and after the following periods; *videlicet*, In reſpect to ſhips or veſſels coming from any part of *Europe*, from and after the twenty-fifth day of *December*, one thouſand ſeven hundred and eighty-fix; in reſpect

respect to ships or vessels coming from any part of *Africa* or *America*, from and after the twenty-ninth day of *September*, one thousand seven hundred and eighty-seven; and in respect to ships and vessels coming from *Asia*, from and after the twenty-fifth day of *March*, one thousand seven hundred and eighty-eight.

XXXIII. *And whereas, by an act of parliament made in the third year of the reign of his present Majesty, (intituled, An act for the further improvement of his Majesty's revenue of customs; and for the encouragement of officers making leizures; and for the prevention of the clandestine running of goods into any part of his Majesty's dominions), it is, amongst other things, enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs to cause all ships, vessels, and boats, and all goods, of what kind soever they may be (excepting only such vessels, boats, and goods as are by law liable to be burnt), which shall be seized by any officers of the customs for unlawful importation, or for nonpayment of duties, or for any other cause of forfeiture, and condemned, according to law, to be sold publicly to the best bidder, at such places as the said commissioners shall think proper: and whereas, by an act made in the fourth year of the reign of his present Majesty (intituled, An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, (intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America); for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of detending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, (intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade); and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain); it is, amongst other things, enacted, That all forfeitures and penalties incurred by that or any other act or acts of parliament, relating to the trade and revenues of the British colonies or plantations in America, which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in the court of vice admiralty, which may or shall be appointed over all America; which court of admiralty, or vice admiralty, are thereby respectively authorized and required to proceed, hear, and determine the same, at the election of the informer or prosecutor; but the said last recited act not having given any directions by whom ships and goods so seized and prosecuted in the said British colonies or plantations shall be sold, after the condemnation thereof, and it being expedient that the same should be sold, by the officers of his Majesty's revenue;*

Recital of
3 Geo. 3.
c. 22.

4 Geo. 3. c. 15.

From Sept. 29, 1786, all vessels and goods seized and condemned in the British colonies in America, shall be sold there by public auction.

in like manner as they are sold in Great Britain: in order, therefore, to obviate any doubts that have arisen or may arise in such cases, it is hereby further enacted by the authority aforesaid, That from and after the twenty-ninth day of September, one thousand seven hundred and eighty-six, all ships and vessels, and all goods, of what kind soever they may be, which shall be seized in pursuance of any act or acts made in *Great Britain*, relative to the trade and revenue of the said *British* colonies or plantations, and which shall be condemned there, in any court having jurisdiction to try and determine the same, shall be sold by public auction to the best bidder, at the custom-house, by the collector and comptroller, or other principal officer of the customs, for the island, colony, or plantation, in whose custody such ship, vessel, or goods shall be lodged and secured; and the produce of such sale shall be accounted for and applied by such collector and comptroller, or other principal officer of the customs, according to law, subject to the orders and directions of the commissioners of his Majesty's customs in *England*, or any four or more of them; any law, custom, or usage, to the contrary notwithstanding.

C A P. XLI.

An act for the further support and encouragement of the fisheries carried on in the Greenland seas and Davis's Streights.

Preamble.

WHEREAS the fisheries carried on in the *Greenland seas* and *Davis's Streights* have been raised, by the bounties and encouragements already given, to a very flourishing condition: and whereas the said bounties will cease and expire on the twenty-fifth day of December, one thousand seven hundred and eighty-six, and it will be proper further to encourage and support the said fisheries, by granting, to ships employed therein, such other bounties as the present state of the publick revenue may justify, and the nature and condition of the said fisheries appear now to require: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for and during the space of five years, to be computed from the said twenty-fifth day of December, one thousand seven hundred and eighty-six, the bounties herein-after mentioned shall be paid and allowed under the several rules and restrictions herein-after expressed and directed; (that is to say), Every *British*-built ship or vessel, owned by a *British* subject or *British* subjects usually residing in *Great Britain*, or in the islands of *Guernsey*, *Jersey*, or *Man*, which shall, within the time limited by this act, proceed from any port of *Great Britain*, or the islands aforesaid, on the whale fishery, to the *Greenland seas*, or *Davis's Streights*, or to the seas adjacent, and which shall be manned and navigated with a master, and three fourths of the mariners at least, being *British* subjects, usually residing in *Great Britain*, *Ireland*, or in the islands aforesaid, shall, be-
fore

For five years from Dec. 25, 1786, British ships going on the whale fishery must be visited by an officer of the customs, who shall certify the admeasurement, etc. to the commission-ers.

fore ſhe proceeds on ſuch voyage, or be intitled to the benefits of this act, be viſited by the proper officer or officers of the cuſtoms belonging to ſuch port, who ſhall examine into ſuch ſhip or veſſel and take an account of the tonnage thereof by admeaſurement, and ſhall certify ſuch his or their viſitation, and examination and admeaſurement, to the commiſſioners of his Maſteſty's cuſtoms; and if it appears by the certificate of ſuch officer or officers that ſhe hath on board ſuch a number of men, provisions, boats, fiſhing lines, and inſtruments to be uſed in ſuch fiſhery, as herein-after are mentioned; that ſhe is ſtrongly built, and otherwiſe a proper ſhip for ſuch voyage and fiſhery, and hath on board, among her crew, a ſufficient number of harpooners, ſteerſmen, and line managers, who have before been employed in ſuch voyages, (the names of ſuch perſons to be contained in ſuch certificate); and if it further appears, by the oath of one or more owner or owners, and of the maſter or chief officer of ſuch ſhip or veſſel, written at the foot of ſuch certificate, and made before the principal officers of the cuſtoms of ſuch port, or any two of them, whereof the collector ſhall be one, (who are hereby impowered and required to adminiſter the ſame), that it is really and truly their firm purpoſe and determined reſolution that ſuch ſhip ſhall, as ſoon as licence ſhall be granted, forthwith proceed, ſo manned, furniſhed, and accoutred, on a voyage to the *Greenland ſeas*, or *Davis's Streights*, or the ſeas adjacent, and there, in the then approaching ſeaſon, to uſe the utmoſt endeavours of themſelves, and their ſhip's company, to take whales, or other creatures living in the ſea, and on no other deſign or view of profit in ſuch voyage, and to import the whale fins, oil, and blubber thereof, into the kingdom of *Great Britain*, (naming the port thereof to which it is their intention to return); and if the maſter, after ſuch certificate had and oath made, do alſo become bound, with two ſufficient ſecurities, unto his Maſteſty, his heirs and ſucceſſors, in the penalty of ſuch ſum as ſhall be equal to treble the bounty granted by this act, (which bond the ſaid collector, with the approbation of the comptroller, is hereby, as far as relates to the bounties granted by this act, authorized to take, and which is to be in force, for the term of three years, againſt the maſter and ſureties, for the faithful dealings of the ſaid maſter and ſhip's company in regard to the ſaid ſhip and voyage), then, and in all ſuch caſes, it ſhall and may be lawful for any three or more of the commiſſioners of the cuſtoms in *England* and *Scotland* reſpectively for the time being, on receiving ſuch certificates and oaths made, and it being certified to them by the collector and comptroller of ſuch port, that ſufficient ſecurity hath been given as aforeſaid, to give and grant, and they are hereby required to give and grant to the maſter and owners of ſuch ſhip, full licence and authority to proceed on ſuch voyage as aforeſaid.

If ſuch certificate proves the ſhip is fit for the voyage,

and if oath is made of the intention to proceed forthwith thereon,

and to import the whale fins, etc. into Great Britain,

the commiſſioners, on ſecurity being given, may grant licence to the ſhip.

II. And, to prevent any diſputes that may ariſe, whether a ſhip be properly qualified and duly fitted out for the whale fiſhery, according to the

What number of men, fiſhing lines, &c. muſt be on board.

the true intent and meaning of this act, and intitled to a certificate thereof from the cuſtom-houſe officers; it is hereby enacted, That every ſhip of the burthen of two hundred tons, deſigned for this fiſhery, ſhall and is hereby obliged to have on board forty fiſhing lines of one hundred and twenty fathom each, forty harpoon irons, four boats, with ſeven men at the leaſt (including an harpooner, a ſteerſman, and a line manager) to each boat, making in the whole twenty-eight men, beſides the maſter and ſurgeon, with ſix months proviſions at the leaſt for ſuch number of men; and every ſhip of larger burthen, an increaſe of ſix men, one boat, ten ſuch lines, and ten harpoon irons more, for every fifty tons above the ſaid two hundred tons, together with proviſions in proportion; and every ſhip which ſhall be ſo employed in the ſaid fiſhery, ſhall have on board apprentices indentured for the ſpace of three years at the leaſt, who ſhall not exceed the age of eighteen years, nor be under fourteen years of age at the time they ſhall be ſo indentured, in the proportion of one apprentice at the leaſt for every thirty-five tons burthen, and one freſh or green man for every fifty tons burthen, which apprentices and freſh or green men ſhall be accounted in the number of men required to be on board ſuch ſhip as aforeſaid.

The officer of the cuſtoms, on return of the ſhip to Great Britain, ſhall make a report of her condition, &c.

and oath ſhall be made of her not having deviated from the conditions on which the certificate was granted;

which documents ſhall be transmitted to the commiſſioners, who

III. And be it further enacted by the authority aforeſaid, That on the return of ſuch ſhip to the port of *Great Britain*, to which one or more of the owners and the maſter thereof had declared on oath their intention to return, the proper officers of the cuſtoms, at ſuch port, ſhall immediately repair on board and view the condition of ſuch ſhip and her lading, and certify the ſame, together with their obſervations thereon, as alſo the real tonnage of the ſaid ſhip; and the ſaid officers are alſo to take an account or ſchedule of the names of the maſter, mate, and other perſons on board, diſtinguiſhing therein the harpooners and perſons more immediately employed in the ſaid fiſhery, and to certify the ſame; and the maſter and mate ſhall make oath before the principal officers of the cuſtoms, or any two of them, whereof the collector ſhall be one as aforeſaid (who are hereby impowered and required to adminiſter the ſame), that they did, in purſuance of the licence granted as aforeſaid (mentioning the day of their departure), proceed in a voyage directly to the places aforeſaid, and have not ſince been on any other voyage, or purſued any other deſign or view of profit; and that they did there (mentioning the time of their ſtay in thoſe ſeas) uſe the utmoſt endeavour of themſelves and their ſhip's company to take whales and other creatures living in thoſe ſeas, and that all the whale fins, oil, and blubber, imported (if any) in ſuch ſhip, were really and *bona fide* caught and taken in the ſaid ſeas, by the crew of ſuch ſhip or veſſel only, or with the aſſiſtance of the crew of ſome other *Britiſh*-built ſhip or veſſel licensed for that voyage, purſuant to the directions of this act, which oath ſhall be endorsed on, or annexed to the licence aforeſaid; and the ſaid ſchedule, certificate, licence, and oath, ſhall be transmitted by the collector and comptroller of ſuch port to the reſpective commiſſioners

commissioners for that part of *Great Britain* where such ships or vessels shall arrive; and such commissioners, being fully satisfied of the faithful dealings of the master and other persons employed in such ships or vessels, with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver-general of the customs for that part of *Great Britain* where such ships or vessels shall arrive, a bounty or premium of thirty shillings *per ton*, according to the admeasurement of every such ship or vessel duly certified as aforesaid.

shall order a
bounty of
30s. *per ton*.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That no person or persons shall be allowed or entitled to receive the bounty herein-before granted, for any ship which shall proceed upon the said whale fishery, from any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, after the said twenty-fifth day of *December*, one thousand seven hundred and eighty six, unless such ship shall sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the tenth day of *April*, in each and every year, and shall continue with her crew in the *Greenland* seas, or *Davis's Straights*, or the adjacent seas, diligently endeavouring to catch whales, or other creatures living in those seas, and shall not depart from thence before the tenth day of *August* then following, unless such ship, if she be of the burthen of three hundred tons, shall be laden with thirty tons of oil, or blubber in proportion thereto, the blubber to be rated with respect to the oil as three to two, and one ton and a half of whale fins; or if she be of greater or less burthen, with a quantity of oil or blubber, and whale fins, in like proportion to the tonnage for which every such ship shall be intitled to the bounty, being the produce of one or more whale or whales caught by the crew thereof, or with the assistance of the crew of some other licensed ship, before that time, or shall be forced by some unavoidable accident or necessity to depart sooner from those seas; which accident or necessity shall be verified on the oaths of the master and mate belonging to such ship, upon her return from the said fishery, before the principal officers of the customs, or any two of them, (whereof the collector shall be one), at the port where she shall arrive, who shall transmit the same, together with the schedule, licence, and other documents by this act required, to the respective commissioners of the customs for that part of *Great Britain* where such ship shall arrive.

No person shall be intitled to the bounty, unless the ship sails from the port of survey before April 10, yearly, and continues fishing till Aug. 10, following, unless laden with the quantities of oil, &c. herein specified;

or forced by unavoidable accident to depart sooner, which shall be verified on oath, and transmitted with the other documents to the commissioners of the customs.

V. And be it further enacted by the authority aforesaid, That in case it shall happen, during the continuance of this act, that any ship or vessel shall not sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the said tenth day of *April* in any year, provided it shall be made appear to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, that such ship or vessel was properly qualified and duly fitted out, according to the directions of this act, and surveyed, cleared, and ready

If a ship ready for sailing by April 10, is by unavoidable necessity prevented from sailing till April 15,

the bounty
may be paid.

for failing, before the said tenth day of *April*, but was prevented from failing by some unavoidable impediment or necessity, but shall actually have failed on or before the twenty-fifth day of *April* in every such year, it shall and may be lawful for the said commissioners, or any four or more of them in *England*, or any three or more of them in *Scotland*, to pay the bounty for such ship or vessel, in like manner as if such ship or vessel had actually failed on or before the said tenth day of *April*.

Bounties to be
paid out of
any monies
in the hands
of the re-
ceiver ge-
neral.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the customs in *England* and *Scotland* respectively, to order the respective receivers general of the customs, in case the monies remaining in their hands arising from the old subsidy, shall not be sufficient, at any time or times during the continuance of this act, to satisfy the said bounty of thirty shillings *per* ton, payable on all ships employed in the said fishery, according to the directions of this present act, to pay the same out of any monies that shall be in their hands, arising from any of the duties and revenues under their management respectively.

Ships of 150
tons burthen
entitled to the
bounty.

VII. And whereas it hath been found by experience, that ships of one hundred and fifty tons burthen are fit for the said fishery; be it therefore enacted and declared by the authority aforesaid, That every owner or owners of any ship or ships of one hundred and fifty tons burthen, which shall be employed in the said fishery, who have conformed themselves, in proportion to their tonnage, to the rules and directions herein-before prescribed to the owners of ships of greater burthen, shall be intitled to the said bounty, according to the admeasurement of such ship or ships respectively, provided such admeasurement be not less than one hundred and fifty tons.

No ship shall
be entitled to
a larger bounty
than for
400 tons,
and only for
five years
from Dec. 25,
1786;
and if not
employed in
the fishery
before that
day, not
larger than for
300 tons.

VIII. Provided always, and be it enacted by the authority aforesaid, That no ship or vessel at this time employed in the said fishery, although she be above the burthen of four hundred tons, shall be entitled to a larger bounty than a ship of four hundred tons would be entitled to, and that she shall continue to enjoy the same for the space of five years, and no longer, from the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, in case such ship or vessel shall not be worn out, or have ceased before that time to carry on the said fishery; and that no ship or vessel which shall not, before the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, have been employed in the said fishery, although such ship or vessel shall be above the burthen of three hundred tons, shall be entitled to a larger bounty than a ship or vessel of three hundred tons would be entitled to.

Ships of more
than 400
tons, need
not be fitted
out but as of
those bur-

IX. Provided also, That nothing in this present act contained shall extend, or be construed to extend, to oblige the owner or owners of any ship or vessel above the burthen of four hundred tons, or three hundred tons respectively before-mentioned, to fit out, equip, and man any such ship, otherwise than as a ship or vessel of the burthen of four hundred tons, or three hundred tons

tons respectively, according to the directions of this act, in order to entitle him or them to the bounty herein-before granted.

X. And be it further enacted by the authority aforesaid, That no bounty granted by this act shall be paid or allowed to any person or persons whatever, on account of any ship or vessel employed in the said fishery, unless a log book shall have been constantly kept on board such ship or vessel, in which log book the various situations and occurrences, respecting such ship or vessel, during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship or vessel shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distances therefrom, and the soundings; and also the time when, and the latitude in which, any whale, or other creature living in the sea, shall have been killed, taken, or caught by the crew of such ship or vessel; which log book, so to be kept as aforesaid, shall be delivered by the master, or other person having or taking the charge or command of such ship or vessel, at the time of his making a report of such ship or vessel, to the collector of the customs at the port in *Great Britain* where such ship or vessel shall arrive on her return from the said fishery, for his inspection and examination; and the said master, or other person having or taking the charge or command of such ship or vessel, together with the mate thereof, shall jointly and severally verify on oath the contents of such log book before such collector, who is hereby authorized and required to administer the same.

thens, to entitle them to the bounty. No bounty shall be allowed to any ship where a log book has not been properly kept;

which shall be delivered to the collector of the customs, before whom the contents shall be verified on oath.

XI. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, in the course of her voyage, meet or fall in with any of his Majesty's ships or vessels of war, the master, or other person having or taking the charge or command of her, shall, and is hereby required to produce to the captain, or other officer commanding such ship or vessel of war, the said log book so to be kept as aforesaid, and such captain or commanding officer shall, and is hereby required to make a memorandum in such log book, of the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log book of the said ship or vessel of war, of the name and description of the ship or vessel on board of which the log book of such ship or vessel so produced to and signed by him was kept; and in case such ship or vessel, on board of which a log book is so required to be kept as aforesaid, shall put into any foreign port, where there is or shall be a *British* consul, or other chief *British* officer, the master, or other person having or taking the charge or command of such ship or vessel, shall, and is hereby required to produce such log book to such *British* consul, or other chief *British* officer, who shall and is hereby required also to make a memorandum therein, of the day on which it was so produced to him, and shall in like manner subscribe the same.

If a ship of war is met at sea, the log book must be produced to the captain, who must make therein a memorandum of the production, &c.

and must likewise be produced to the *British* consul at any foreign port.

XII. And be it further enacted by the authority aforesaid, That every ship or vessel, owned by his Majesty's subjects re-

c

Ships fitted out from Ireland, agreeing

able to the regulations of this act, ſhall be intitled to the bounty.

ſiding in *Ireland*, and fitted out from any port in that kingdom, which ſhall have complied with the conditions of this act, to be verified by certificates, in ſuch manner, and under the like rules, regulations, and reſtrictions as are required, by any law in force before the paſſing of this act, to entitle ſhips or veſſels, fitted out from *Ireland*, to the bounties then exiſting for the encouragement of the *Greenland* and whale fiſhery, ſhall, from and after the twenty-fifth day of *December*, one thouſand ſeven hundred and eighty-fix, be entitl'd to ſuch and the ſame bounties as the like ſhips or veſſels fitted out from *Great Britain*, or the iſlands aforeſaid, ſhall be intitled to by virtue of this act.

The owners may inſure the bounty in caſe of the loſs of the ſhip.

XIII And whereas applications have heretofore been made to parliament for the bounty on ſhips or veſſels employed in the ſaid fiſhery that have happened to be loſt at ſea before their return to *Great Britain*, and a doubt hath ariſen, whether the ſaid bounty may be lawfully inſured by the owner or owners of ſuch ſhips; for obviating ſuch doubt, and for preventing any future applications to parliament for the bounty on any ſuch ſhips, be it declared and enacted by the authority aforeſaid, That it ſhall and may be lawful for the owner or owners of any ſhip employed, or deſigned to be employed in the ſaid fiſhery, to inſure the bounty which ſuch owner or owners would be entitl'd to upon the return of ſuch ſhip, to the port to which the maſter, and one or more of the owners of ſuch ſhip or veſſel, ſhall have declared, on oath, their intention to return; and on the performance of all other matters directed and appointed by this preſent act to be performed for obtaining the ſaid bounty.

Whale fins, &c. may be imported in *British* ſhips duty free;

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon or perſons, for and during the time limited by this act, to import into *Great Britain* whale fins, oil, or blubber of whales, ſeal oil, or ſeal ſkins, or any other produce of ſeals, or other fiſh or creatures taken or caught in the ſaid *Greenland* ſeas, or *Davis's Straights*, or in the ſeas adjacent, by *British* ſubjects, uſually reſiding in *Great Britain* or *Ireland*, or the iſlands aforeſaid, in *British* built ſhips or veſſels, owned and navigated as before required, in regard to the bounties granted by this act, without paying any cuſtom, ſubſidy, or other duty, for the ſame; any law, cuſtom, or uſage to the contrary notwithstanding.

but not unleſs oath is made that the cargo was caught by the crews of ſuch ſhips.

XV. Provided always, That nothing in this act contained ſhall extend, or be conſtrued to extend, to give liberty of importing any of the before-mentioned articles duty-free, unleſs the maſter and mate of the ſhip or veſſel importing the ſame ſhall firſt make oath before the principal officers of the cuſtoms, or any two of them, (of which the collector ſhall be one), in the port or ports of importation, (who are hereby reſpectively authorized and required to adminiſter ſuch oath), that all the whale fins, oil, or blubber of whales, ſeal oil, ſeal ſkins, or other produce of ſeals, or other fiſh or creatures imported in ſuch ſhip or veſſel, are really and *bona fide* the fins, oil, or blubber of whales, or the ſkins, oil, or other produce of ſeals, or other fiſh

or

or creatures caught and taken in the faid *Greenland* seas or *Davis's Streights*, or in the seas adjacent, by the crews of fuch ships or veffels only, owned, fitted out, and navigated as aforefaid.

XVI. And it is hereby further enacted by the authority aforefaid, That if any perfon or perfons fhall give or grant any falfe certificate for any of the purpoles required or directed by this act, fuch perfon or perfons fhall forfeit the fum of five hundred pounds; and if any perfon or perfons fhall counterfeit, erafe, alter, or falshfy any certificate required or directed by this act, or fhall knowingly or willingly make ufe of any falfe certificate, or of any certificate fo counterfeited, erafed, altered, or falshfied, fuch perfon or perfons fhall, for every fuch offence, forfeit the fum of five hundred pounds, and every fuch certificate fhall be invalid and of no effect.

Persons granting or uſing falſe certificates forfeit 500l.

XVII. And whereas the *Greenland fiſhery trade* cannot be carried on without a certain number of men particularly qualified to carry on the faid fiſhery; be it therefore enacted by the authority aforefaid, That no harpooner, line manager, or boat ſteerer, who fhall be in, or belong to, any ſhip or veſſel in the *Greenland fiſhery trade*, and whoſe name (diftinguiſhing the capacity in which the perſon ſo named is to act) fhall be entered in a liſt, which is hereby required to be delivered, on oath, by the owner of ſuch ſhip or veſſel to the collector of the cuſtoms at the port from which ſuch ſhip or veſſel is intended to proceed upon the faid fiſhery, (which oath ſuch collector is hereby impowered and required to adminiſter), ſhall be impreſſed from the faid ſervice; and that any ſuch harpooner, line manager, or boat ſteerer, may, during the time of the year that he or they are not employed in the faid fiſhery, fail in the colliery trade, upon giving ſecurity, to the ſatisfaction of the commiſſioners of the cuſtoms, that he or they will proceed in the faid ſhip or veſſel to the *Greenland* ſeas, or *Davis's Streights*, on the whale fiſhery, the next ſeaſon; and that every ſeaſon or common mariner who, after the firſt day of *February*, in any year during the continuance of this act, ſhall be entered to ſerve on board any ſhip which ſhall be intended to proceed on the faid fiſhery in the following ſeaſon, whoſe name ſhall be entered in a liſt to be delivered as aforefaid, and who ſhall have given ſecurity to the ſatisfaction of the commiſſioners of the cuſtoms to proceed, and ſhall proceed accordingly, ſhall be privileged and exempt from being impreſſed from or out of the faid ſervice from the faid firſt day of *February*, till after the expiration of the then next ſeaſon for the faid fiſhery, and until the voyage home from thence ſhall be fully complete and ended, and no longer; any law, cuſtom, or uſage to the contrary notwithstanding.

No harpooner, &c. ſhall be impreſſed;

but may, when unemployed therein, fail in the colliery trade, on giving ſecurity to return the next ſeaſon. Common ſeaſon men protected till the end of the ſeaſon after entry.

XVIII. And be it further enacted by the authority aforefaid, That the *Greenland* ſeas, and *Davis's Streights*, and ſeas adjacent, within the intent and meaning of this act, ſhall be deemed and taken to extend to the latitude of fifty-nine degrees thirty minutes north, and no farther.

Extent of the fiſhery.

XIX. And

Commissioners of the customs to lay before parliament, annually, the amount of the number of ships, etc. employed.

XIX. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs for *England* and *Scotland* respectively shall, at the beginning of every session of parliament, lay before both houses of parliament an account in writing under their hands, of what number of ships or vessels have been employed in the whale fishery to *Davis's Streights*, and the *Greenland* seas, with their respective names and burthens, from whence they were fitted out, and at what port in *Great Britain* they were discharged; and also what quantity of oil or blubber, or whale fins, each ship or vessel shall have imported.

How penalties are to be appropriated.

XX. And it is hereby further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively, where the offence shall be committed.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

C A P. XLII.

An act for granting to his Majesty an additional duty upon batterns and deals imported into Great Britain.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant to your Majesty the several duties and impositions herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and

and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twelfth day of *June*, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon the goods herein after mentioned, over and above all customs, subsidies, and duties already imposed and payable thereon, the several and respective additional duties following, that is to say, For every one hundred and twenty battens, imported or brought into the kingdom of *Great Britain*, the sum of five shillings; and after that rate for any greater or less number of battens and for every one hundred and twenty deals, imported or brought into the kingdom of *Great Britain*, the sum of twenty shillings, and after that rate for any greater or less number of deals.

New duties on battens and deals imported.

II. And be it further enacted by the authority aforesaid, That the several duties herein before granted shall be under the management and direction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, and shall be paid down in ready money, without any discount or abatement whatever, and shall be drawn back, upon the due exportation of such goods, respectively to foreign parts, and the said duties shall be raised, levied, collected, recovered, and paid, and the drawbacks allowed in the same manner and form, and under the like restrictions, penalties and forfeitures, and by such rules, ways and methods, as the former duties and drawbacks for such goods are respectively raised, levied, collected, recovered, and paid and allowed, as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties and forfeitures, in any act or acts of parliament now in force relating thereto, were particularly repeated and again enacted in the body of this present act.

which shall be under the management of the commissioners of customs.

III. And be it further enacted by the authority aforesaid, That all the moneys to arise by the duties and impositions granted by this act (the necessary charges of raising and accounting for the same excepted), shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Windsor*, distinct and apart from all branches of the publick revenue, and shall be carried to, and made part of, the fund commonly called the *Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is now applicable unto.

Application of the duties.

IV. And whereas standing contracts may have been made before the first day of *May*, one thousand seven hundred and eighty six, by the importers or proprietors of battens and deals, for serving persons with such battens and deals, or either of those articles respectively, to be delivered in point of time after the said twelfth day of *June*, one thousand seven hundred and eighty six, be it therefore enacted by the authority aforesaid, That, from and after the said twelfth day of *June*, one thousand seven hundred and eighty-six, the importers or proprietors of such battens and deals, or either of those articles respectively, which shall be delivered after the said twelfth day of *June*, one thousand seven hundred and eighty-six,

Consequence relative to contracts made before May 1, for delivering battens, etc after June 12, 1786.

in pursuance of such contracts, shall be allowed to add the duties hereby charged upon such battens and deals, or either of those articles respectively, and shall be intitled by virtue of this act to be paid the same accordingly.

Proviso.

V. Provided nevertheless, That the parties who have contracted to receive the said goods shall have the liberty to annul and cancel the bargains they have entered into, in case they chuse so to do, rather than pay the said addition of duties.

C A P. XLIII.

An act to continue and render more effectual an act, passed in the twenty-first year of his Majesty's reign, for the encouragement of the growth of hemp and flax, in that part of Great Britain called England.

Recital of act 7 Geo. 3. c. 48. and act 10 Geo. 3. c. 40. and act 21 Geo. 3. c. 58. and act 22 Geo. 3. c. 82. so much of recited acts 21 and 22 Geo. 3. repealed, as relates to putting the management or distribution of 8000l. or eight fifteenth parts of money, for the encouragement of raising and dressing hemp and flax, under commissioners of trade and plantations, or committee of privy council, repealed. Grants for the encouragement of growth, &c. of hemp and flax put under management of the treasury. Bounties continued for 7 years. Claims for bounties to be exhibited to a justice, to be laid before the quarter session. Claimants must give bond that the bounties have been duly claimed. At every quarter sessions the bounties granted must be published, and the conditions required, on making such claims. And at Midsummer sessions, annually, the names, &c. of claimants published. Treasury are to order receivers of the land tax to issue money to the justices to pay the bounties. Account of hemp sold to be delivered therewith, and receipt given to the seller by the buyer. All unsettled claims shall be finally settled at the first quarter sessions after passing this act. Annual account of hemp raised, and bounties paid, shall be laid before parliament. A reasonable allowance shall be made to the clerks of the peace for their trouble. Recited acts of 7. 10. and 21 Geo. 3. continued. Continuance of this act, for 7 years, from March 25, 1787, and to the end of the next session.

C A P. XLIV.

An act for the further relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit.

Preamble.

31 Geo. 3. c.
28.

WHEREAS it may be reasonable to extend the benefits of an act, passed in the twenty-second year of the reign of his late majesty King George the Second, of glorious memory, intituled, An act for relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit, to several persons who have neglected to take the benefit of the same, and also to several persons who were not entitled to any benefit under the said act: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, every person now or hereafter in execution for any sum or sums of money, not exceeding two hundred pounds, shall be entitled to such relief as by an act passed in the thirty second year of his late majesty King George the Second, intituled, *An act for relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*, is granted to persons charged in execution for any sum or sums of money not exceeding one hundred pounds.

The relief granted to debtors not exceeding 100*l*. by 32 Geo 2 c. 28. extended to all not exceeding 200*l*.

II. And be it further enacted by the authority aforesaid, That every creditor or creditors, his, her, or their executors or administrators, at whose suit any debtor shall be charged in execution for any sum or sums not exceeding the sum of two hundred pounds, shall have such remedy, by compelling such debtor to deliver up his or her estate and effects for the benefit of his or her creditors, as is provided by the before recited act, in cases where the sum for which such debtor shall be in execution does not exceed the sum of one hundred pounds.

Creditors for less than 200*l*. may compel debtor to deliver up effects, etc.

III. And whereas many persons are often committed on attachments, for not paying moneys awarded to be paid under submissions to arbitration by rules of court, or under submissions to arbitration bonds, and where submissions have been made rules of the court, in pursuance of an act passed in the ninth and tenth years of the reign of William the Third, for determining differences by arbitration, and likewise for not paying of costs duly and regularly taxed and allowed by the proper officers, after proper demands made for that purpose; and also upon any writ of excommunicato capiendo, or other process for, or awarded on the repayment of costs or expences in any cause or proceeding in any ecclesiastical court; it is hereby declared and enacted, That all such persons are and shall be intitled to the benefit of this act, and subject to the same terms and conditions as are herein expressed and declared with respect to prisoners for debt only.

9 & 10 Gul 3. c. 15.

IV. And be it further enacted, That all gaolers and keepers of prisons are hereby directed and required to give notice of this act to all persons in their custody for debt, within three days after such persons shall have been respectively committed or charged in execution, so as to make the same clearly and perfectly understood; and if any gaoler or keeper of a prison shall neglect to give such notice according to the true intent and meaning of this act, he shall forfeit and pay, to any person who shall sue for the same, the sum of fifty pounds, to be recovered by him or her by action of debt in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on the person against whom the same shall be brought: provided nevertheless, that

Gaolers to give notice of this act to all debtors in their custody, etc.

on penalty of 50*l*.

ſuch action ſhall be brought within fix calendar months after the caufe of action accrued.

Time allowed debtors for taking the benefit of the recited act extended.

V. And be it further enacted, That where any debtor as aforeſaid ſhall have neglected to take the benefit of the ſaid act, within the time limited by the ſaid act, and ſhall have remained in priſon by the ſpace of one year, and ſhall make it appear to the court out of which ſuch execution iſſued, that ſuch neglect aroſe from ignorance or miſtake, ſuch debtor ſhall then be entitled to take the benefit of the ſaid act, as if he or ſhe had taken the ſame within the time by the ſaid act ſo limited as aforeſaid.

Creditors may file interrogatories, etc.

VI. Provided always, That it ſhall be lawful for any creditor or creditors, at whole ſuit any debtor ſhall be ſo in execution as aforeſaid, to file interrogatories for the examination of ſuch priſoner, before his or her being admitted to take the benefit of this or the before recited act.

Not to extend to debts due to the crown, etc.;

VII. Provided always, That this act ſhall not extend to any debt or debts that may be owing to the crown, nor ſhall it affect any proceeding which at any time may be lawfully had under or by virtue of any commiſſion of bankrupt.

nor to Scotland.

VIII. Provided alſo, That this act, or any thing herein contained, ſhall not extend to that part of Great Britain called Scotland.

Continuance of this act.

IX. Provided alſo, That this act ſhall continue and be in force for five years, and from thence to the end of the then next ſeſſion of parliament, and no longer.

C A P. XI.V.

An act to continue and amend an act, made in the twenty-fifth year of the reign of his preſent Maſty, for the encouragement of the pilchard fiſhery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Preamble.
25 Geo. 3
58.

WHEREAS by an act of parliament, made in the twenty-fifth year of the reign of his preſent Maſty, intituled, An act for the encouragement of the pilchard fiſhery, by allowing a farther bounty upon pilchards, taken, cured, and exported; it is enacted, That for every caſk or veſſel of pilchards, containing fifty gallons, and ſo in proportion for a greater or leſſer quantity thereof, which ſhall be exported from any port or place in Great Britain into parts beyond the ſeas, between the twenty-fifth day of June, one thouſand ſeven hundred and eighty-five, and the twenty-fifth day of June, one thouſand ſeven hundred and eighty-fix, upon which the perſon or perſons exporting the ſame ſhould be intitled to a certain bounty of ſeven ſhillings, by virtue of or under the two ſeveral acts therein mentioned, the one made in the fifth year of the reign of the late King George the Firſt, intituled, An act for recovering the credit of the Britiſh fiſhery in foreign parts; and better ſecuring the duties upon ſalt; and the other, made in the third year of his late maſty King George the Second, intituled, An act for taking off certain duties on ſalt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable

Act 5 Geo. 1.
c. 18.

Act 5 Geo. 2.

payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon*, executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mexey* in the year one thousand seven hundred and twenty-four; an additional bounty of two shillings should be paid and payable to such person and persons, so entitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies, as the said bounty of seven shillings was by the said two several acts, or either of them, directed to be paid: and whereas the said fishery is of great importance to the nation, by promoting useful industry, providing for great numbers of poor people, and serving as a nursery for able seamen; and inasmuch as the same cannot be carried on without a continuance of the said additional bounty of two shillings: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act of the twenty-fifth year of the reign of his present Majesty, and every power, provision, clause, matter, and thing therein contained (except as herein-after is mentioned), shall, from and after the twenty-fourth day of June, one thousand seven hundred and eighty-six, and the same are hereby continued for and during the term of five years, and shall, during such term, be in full force, and be put in execution, as fully and effectually, to all intents and purposes, as if the same were repeated and re-enacted in the body of this present act.

Act 25 Geo.
3. continued
for five years
from June 24,
1786.

II. Provided always, and be it enacted, That in case the quantity of pilchards, which shall be exported from any port or place, ports or places, in *Great Britain*, to parts beyond the seas, upon which the said bounty of seven shillings shall become payable, do or shall, in any one year of the said term of five years, herein-before granted or limited for the continuance of the said recited act of the twenty-fifth year of the reign of his present Majesty, exceed the quantity of twenty thousand hogfishheads, the said additional bounty of two shillings shall not be payable or paid for or in respect of any pilchards so exported as aforesaid, beyond or exceeding the said quantity of twenty thousand hogfishheads; any thing in the said recited act of the twenty-fifth year of the reign of his present Majesty, or in this present act, or in any other act or acts, contained to the contrary notwithstanding.

Additional
bounty of 2s.
for every 50
thous of pil-
chards ex-
ported, not to
be paid for a
larger quan-
tity than
20,000 hogf-
heads in one
year.

III. Provided also, and be it enacted, That if a greater quantity than twenty thousand hogfishheads of pilchards shall be taken, cured, and exported, in each or any one year of the said term of five years, then, in each and every such year, the said additional bounty of two shillings upon the quantity of twenty thousand hogfishheads shall become payable, and shall be paid to each and every person and persons respectively entitled to the said additional bounty, in proportion to the whole quantity of pilchards so taken, cured, and exported.

But the said
bounty on
20,000 hogf-
heads, where
a larger quan-
tity has been
exported, shall
be divided
proportionally
among the
vessels.

Expences of
this act to be
borne by the
perſons enti-
tled to the
bounty.

IV. And be it further enacted, That the coſts and charges incident to, and attending the obtaining and paſſing of this act, ſhall be borne, paid, and defrayed by the ſeveral perſons to whom the ſaid additional bounty of two ſhillings ſhall be payable and paid, rateably and in proportion according to the ſum or ſums of money ſo by them reſpectively received, but not exceeding two ſhillings on each caſk or veſſel of pilchards containing fifty gallons; any law, ſtatute, uſage, or cuſtom to the contrary notwithstanding.

Publick act.

V. And be it further enacted, That this act ſhall be deemed a publick act; and ſhall be taken notice of as ſuch, by all judges, juſtices, and all other perſons whatſoever, without ſpecial pleading the ſame.

C A P. XLVI.

An act for augmenting and fixing the ſalaries of the lords of ſeſſion, lords commiſſioners of juſticiary, and barons of exchequer, in that part of Great Britain called Scotland.

Preamble.

WHEREAS the ſtated ſalaries of the lords of ſeſſion, lords commiſſioners of juſticiary, and barons of exchequer, in that part of Great Britain called Scotland, are inadequate to the dignity and importance of their offices: and whereas certain additional allowances have been made to ſome of the judges of theſe courts by warrants under his Maſteſty's privy ſeal in Scotland, which allowances ought to be permanent: and whereas the lords of ſeſſion are poſſeſſed of a fund called The Stock of the Court, by grants before the union of the kingdoms of England and Scotland, amounting to twenty-two thouſand ſeven hundred pounds ſterling, of capital money, the yearly intereſt of which they have been in uſe to divide among them, but which ſum ought now to be reſtored to the publick: may it therefore pleaſe your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid ſum of twenty-two thouſand ſeven hundred pounds together with the ſum of one thouſand one hundred and thirty-five pounds ſterling, being one year's intereſt on the ſaid capital, ſhall, on the fifth day of April, in the year one thouſand ſeven hundred and eighty-ſeven, be paid in to the receiver general of his Maſteſty's land rents in Scotland, in order to be by him remitted to the exchequer in England, for the uſe of the publick, and the ſaid receiver general for the time being is hereby authorized and required to take all legal ſteps, if neceſſary, for recovering the ſame.

Fund in the
hands of the
lords of ſeſ-
ſion to be paid
to the receiver
general in
Scotland on
April 5. 1787,
to be remitted
to the exche-
quer in Eng-
land.

Out of the
revenues ap-
propriated by
Acts, in ſup-
porting the
court of ſeſ-
ſions, etc.

II. And be it enacted by the authority aforeſaid, That in time coming there ſhall be iſſued, paid, and applied, in every year, out of the monies that ſhall ariſe from any the duties and revenues in that part of Great Britain called Scotland, which by acts made in the ſeventh and tenth years of the reign of Queen Anne, were charged or made chargeable with the payment of the

the fees, ſalaries, and other charges, allowed or to be allowed by her Maſteſty, her heirs and ſucceſſors, for keeping up the courts of ſeſſion, juſticiary, and exchequer, in *Scotland*, the ſeveral ſalaries following, to the judges after mentioned; (that is to ſay), The ſum of two thouſand pounds ſterling to the lord preſident of the court of ſeſſion for the time being; the ſum of one thouſand pounds ſterling to each of the other lords of ſeſſion for the time being; the ſum of two thouſand pounds ſterling to the lord chief baron of the court of exchequer in *Scotland* for the time being; the ſum of one thouſand pounds ſterling to each of the other barons of the ſaid court of exchequer for the time being; the ſum of ſix hundred pounds ſterling to the lord juſtice clerk for the time being; and the ſum of three hundred pounds ſterling to each of the other lords commiſſioners of juſticiary for the time being.

there ſhall be paid to the judges the ſalaries herein ſpecified.

III. And be it enacted, That the firſt quarter's payment of the ſaid reſpective ſums ſhall be made on the fifth day of *July*, in the year one thouſand ſeven hundred and eighty-fix, and thereafter the ſame ſhall continue to be paid quarterly in every year, in ſuch manner as the fees, ſalaries, and other charges of keeping up the ſaid courts in *Scotland*, have accuſtomarily been paid ſince the union of the two kingdoms; and the ſums hereby granted ſhall be in place of the different ſalaries and allowances, which the judges of the ſaid courts do at preſent, or have been in uſe to enjoy, whether by ſtated ſalary, additions by privy ſeal, or intereſt of the aforeſaid money, excepting always any additional yearly ſum, which is or may be granted by his Maſteſty, by warrant under the privy ſeal in *Scotland*, to one of the puſtine barons of the ſaid court of exchequer, when appointed to that office from the bar of *England*; and excepting alſo the ſums iſſued in every year for defraying the expences of the juſticiary judges at their circuits.

The firſt payment to be on July 5, 1786.

IV. And be it further enacted by the authority aforeſaid, Publick act. That this act ſhall and may be deemed and taken to be a publick act.

C A P. XLVII.

An act for diſcharging the payment of ſentence money, and other fees of court, to the judge of the court of admiralty in that part of Great Britain called Scotland, and the payment of ſentence money to the judges of the commiſſary court in Edinburgh; for granting ſalaries to the judges of the ſaid courts in Leu thereof; and for regulating the nomination of the ſaid judges.

WHEREAS the judge of the court of admiralty, which was ſtipulated by the articles of union to be continued in that part of Great Britain called Scotland, has never had any ſtated ſalary or allowance from the publick, but has been in the uſe of receiving ſentence money, and other caſual fees, upon proceedings in the ſaid court, which practice ought to be aboliſhed: and whereas the judges of the commiſſary court in Edinburgh have likewiſe been in the uſe of re-

Preamble.

From July 5, 1786, the judge of the admiralty in Scotland ſhall receive 400l. annually, in lieu of all perquiſites :

and the judges of the commiſſary court 100l. annually each, in lieu of ſentence money :

But other uſual perquiſites may be received.

receiving ſentence money, and are otherwiſe inſufficiently provided, may it therefore pleaſe your Maſteſty that it may be enacted ; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the fifth day of July, in the year one thouſand ſeven hundred and eighty-fix, it ſhall not be lawful for the preſent judge of the ſaid court of admiralty, or his ſucceſſors in that office, directly or indirectly, to aſk or take from any ſuitor or ſuitors in the ſaid court, or any other perſon or perſons, any fee or perquiſite, for acting or doing buſineſs as a judge of the ſaid court of admiralty, in name of ſentence money, poundage, droits of admiralty, or upon any pretence whatever ; and in lieu of all fees and perquiſites heretofore in uſe to be paid to or exacted by or for the judge of the ſaid court, the preſent judge, and his ſucceſſors in office, ſhall be intitled to and receive a yearly ſalary, amounting to the ſum of four hundred pounds ſterling, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, juſticiary, and exchequer are paid in that part of *Great Britain* called *Scotland* ; the firſt quarter's payment of the ſaid ſalary to be made on the fifth day of July, in the year one thouſand ſeven hundred and eighty-fix.

II. And be it enacted by the authority aforeſaid, That from and after the fifth day of July, in the year one thouſand ſeven hundred and eighty-fix it ſhall not be lawful for the judges of the commiſſary court in *Edinburgh*, or their ſucceſſors in office, directly or indirectly, to aſk or take, from any ſuitor or ſuitors in the ſaid court, or from any other perſon or perſons, any fee or perquiſite for acting or doing buſineſs as judges of the ſaid commiſſary court, in name of ſentence money, or on the decrees pronounced by them ; and in lieu of ſuch ſentence money heretofore in uſe, as well as for the better proviſion of the ſaid commiſſaries, they and their ſucceſſors in office ſhall be intitled to and receive the ſum of one hundred pounds ſterling *per annum* each of ſalary, payable in the ſame form, and upon the ſame eſtabliſhment, as the ſalaries of the judges of the courts of ſeſſion, juſticiary, and exchequer, are paid in that part of *Great Britain* called *Scotland* ; the firſt quarter's payment of the ſaid ſalary to be made on the fifth day of July, in the year one thouſand ſeven hundred and eighty-fix.

III. Provided always, and be it enacted and declared by the authority aforeſaid, That the allowances to the ſaid commiſſaries out of the biſhops rents ſhall continue as before ; and that nothing herein contained ſhall be conſtrued either to enlarge or diminiſh their cuſtomary dues on the confirmation of teſtaments, or other articles, except that of ſentence money, as aforeſaid.

IV. And be it further enacted and declared, That nothing herein contained ſhall be conſtrued either to enlarge or diminiſh the cuſtomary and lawful dues or perquiſites of the clerks and ſiftals

fiscals of any of the said courts, but that the said clerks and fiscals shall still continue to receive what they are by law or custom entitled to in name of sentence money, or otherwise: and, for the better ascertaining the extent thereof, in those cases where the judges and the clerks and fiscals have heretofore been in use to receive joint fees or perquisites, and where the judges are not in future to receive them, the said judge and judges of the two courts aforesaid respectively are hereby empowered and required, on or before the first day of *November*, in the year one thousand seven hundred and eighty-six, to establish regulations for the payment of the clerks and fiscals dues in their several courts, according to the just amount of the proportions or sums which the said clerks and fiscals have been in use to receive in time past in the cases aforesaid, and which regulations shall be entered in their books of *federunt*; and it shall be lawful and competent to any party concerned to complain to the court of session against such determination, at any time within six months thereafter; whole judgement given upon the same, or that of the said judges not complained of, shall continue to be the rule for levying the said dues in time coming.

Regulations to be established for payment to the clerks and fiscals their accustomed dues.

V. And be it enacted, That in time coming, no person shall be appointed to the office of judge of the said court of admiralty, or to the office of any of the said commissaries, unless he has, during three years immediately preceding his appointment, attended the court of session regularly and *bona fide* as a practitioner in the time of session; and if any appointment shall happen to be made contrary to the true intent and meaning hereof, the same shall be null and void.

No person to be appointed judge or commissary who has not practised in the court of session three years.

C A P. XLVIII.

An act for granting to His Majesty certain duties on stamped vellum, parchment, and paper, within that part of Great Britain called Scotland, to replace to the revenue the sums granted out of the same, in this session of parliament, towards the augmentation of the salaries of the judges of the courts of session, justiciary, exchequer, and admiralty court in Scotland, and commissary court of Edinburgh.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Preamble. Commons of Great Britain, in parliament assembled, being desirous to replace to your Majesty's revenue, arising in that part of Great Britain called Scotland, by the most easy means, the sums granted out of the same in this present session of parliament, towards the augmentation of the salaries of the judges of the courts of session, justiciary, exchequer, and admiralty court in Scotland, and commissary court of Edinburgh, do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and

From July 5, 1786, the following stamp-duties shall be paid on vellum, &c.

and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid, throughout that part of Great Britain called Scotland, unto and for the use of his Majesty, his heirs and successors, the several and respective rates and duties following; that is to say,

For every skin of depositions before the court of session, or affidavit in the exchequer, 1s.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, printed, or written, any deposition or depositions of a witness or witnesses taken in any cause or suit before the court of session, or commission of teinds, or court of admiralty in Scotland, or commissary court of Edinburgh, or in any civil cause before any inferior court in Scotland, or whereupon any affidavit, or written deposition produced in the court of exchequer in Scotland, shall be engrossed, printed, or written, there shall be charged a stamp duty of one shilling sterling:

For every extract from any public register, 1s. per skin.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written, or printed, any extract or attested copy of or from any deed, instrument, or writing, (except protests upon bills or promissory notes under forty shillings sterling,) given out from any public register, or from the books or record of any court in Scotland, there shall be charged a stamp-duty of one shilling sterling.

Not to extend to matters where the publick interest is concerned, nor to civil causes under the value of 5l. &c.

II. Provided always, and be it hereby further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the said rates and duties any deposition or depositions taken in any cause or suit, before any of the said courts in Scotland, which is insisted in at the instance of the publick prosecutor, for the publick interest, or where the publick revenue is concerned; or any deposition or depositions taken in any civil cause, before any inferior court aforesaid, where the sum or subject concluded for is under the value of five pounds sterling, exclusive of costs; or any such deposition or depositions, taken in any of the courts aforesaid, by or at the instance of any person or persons on the poor's roll of such court, and who is, are, or shall be admitted to sue or defend *in forma pauperis*; or any extracts of the decrees of courts, other than such formal decrees of registration as are usually annexed to the extracts of writings.

Duties to be under the management of the commissioners for stamps.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper, who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and

and to allow fuch falaries and incidental charges as may be neceffary, and to provide and ufe fuch ftamps to denote the faid feveral duties as fhall be requifite in that behalf, and to do all other things neceffary to be done for putting this act in execution, with relation to the faid rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authorifed to put in execution any former law concerning ftamped vellum, parchment, and paper.

IV. And be it further enacted by the authority aforefaid, That all vellum, parchment, and paper, liable to the duties by this act impofed, fhall, before the fame fhall be engroffed, printed, or written upon, be brought to the head office for ftamping or marking vellum, parchment, or paper; and the faid commissioners, by themfelves or by their officers employed under them, fhall forthwith, upon demand to them made by any perfon or perfons, from time to time, ftamp or mark, as by this act is directed, any quantities, or parcels of vellum, parchment, or paper, as fhall be brought to them for that purpofe, the perfon fo bringing the fame paying to the receiver general of the ftamp duties for the time being, or his deputy or clerk, the feveral duties payable for the fame by virtue of this act; and in default of fufficient quantities of vellum, parchment, and paper being brought to the head office to be ftamped as aforefaid, the faid commissioners are hereby required to take efpecial care that the feveral parts of that part of Great Britain called Scotland fhall, from time to time, be fufficiently furnifhed with vellum, parchment, and paper, ftamped and marked as aforefaid, fo as the fubjects of his Majefty, his heirs and fucceffors, may have it in their election to buy the fame of the officers or perfons to be employed by the faid commissioners, at the ufual or moft common rates above the faid duty, or to bring their own vellum, parchment, or paper, to be ftamped at the head office of ftamps as aforefaid.

Vellum, etc.
to be ftampd
before written
on.

Commission-
ers to furnifh
ftamp vel-
lum, &c. to be
ready for fuch
as may call
for it.

V. And be it further enacted by the authority aforefaid, That the fame allowance fhall be made on prefent payment of the feveral duties granted by this act, in fuch manner as by any former law relating to ftamped vellum, parchment, or paper, is directed and allowed.

Ufual allow-
ance to be
made on
prompt pay-
ment.

VI. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall engrofs, print, or write, or caufe to be engroffed, printed, or written, upon any vellum, parchment, or paper, any of the matters or things for which the faid vellum, parchment, or paper, ought to have a mark or ftamp as aforefaid, before fuch time as the faid vellum, parchment, or paper, fhall be marked or ftamped as aforefaid, or fhall engrofs, print, or write, or caufe to be engroffed, printed, or written, any fuch matter or thing, upon any vellum, parchment, or paper, that fhall be marked or ftamped, for any lower duty than the duty by this act payable for what fhall be to be engroffed, printed, or written, every fuch perfon fo offending fhall, for

Persons ufing
unftampd
vellum, &c. or
ftamps of too
low a value,
forfeit 10l.

and, if in a publick office, forfeit their employment.

every ſuch offence, forfeit and pay the ſum of ten pounds ſterling, to be recovered and applied as herein-after is directed; and in caſe any extractor, clerk, officer or perſon, who, in reſpect of any publick office or employment, is or ſhall be entitled or truſted to make, engroſs, print, or write any depoſition, extract, or other writing by this act charged to pay a duty as aforeſaid, ſhall be guilty of any fraud or praſtice to deceive his Maſteſty, his heirs or ſucceſſors, of any duty by this act payable, by making, engroſſing, printing, or writing, any ſuch depoſition, extract, or other writing, or cauſing the ſame to be made, engroſſed, printed, or written, upon vellum, parchment, or paper, marked or ſtamped with any mark, or ſtamp, knowing the ſame to be counterſeited, or by engroſſing, printing, or writing the ſame upon vellum, parchment, or paper, that ſhall be marked or ſtamped for a lower duty as aforeſaid, then every ſuch extractor, clerk, officer, or perſon, ſo guilty of any ſuch fraud or praſtice, and being thereof lawfully convicted, ſhall (over and above the penalty aforeſaid) forfeit his office, place, or employment reſpectively, and be diſabled to hold or enjoy the ſame for the future; and if any attorney, conveyancer, agent, writer to the ſignet, writer, ſolicitor, or procurator, belonging to any of the courts aforeſaid, ſhall be guilty of any ſuch fraud or praſtice as aforeſaid, and be convicted thereof, he ſhall (over and above the penalty aforeſaid) be diſabled for the future to praſtice as an attorney, conveyancer, agent, writer to the ſignet, writer, ſolicitor, or procurator, reſpectively; and if any depoſition, extract, or other writing, by this act charged with the payment of a duty as aforeſaid, ſhall, contrary to the true intent and meaning thereof, be engroſſed, printed, or written, by any perſon or perſons whatſoever, upon vellum, parchment, or paper, not marked or ſtamped according to this act, or upon vellum, parchment, or paper, marked or ſtamped for a lower duty as aforeſaid, that then, and in every ſuch caſe, there ſhall be due, answered, and paid, to his Maſteſty, his heirs and ſucceſſors, over and above the duty aforeſaid, for every ſuch depoſition, extract, or other writing, the ſum of ten pounds ſterling, and no ſuch depoſition, extract, or other writing, ſhall be pleaded or given in evidence in any court in *Great Britain*, or admitted in any court in *Great Britain* to be good, uſeful, or available in law or equity, until as well the ſaid duty, as the ſaid ſum of ten pounds ſterling, ſhall be firſt paid to the uſe of his Maſteſty, his heirs or ſucceſſors, and a receipt produced for the ſame, under the hand or hands of ſome of the officers who ſhall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which ſuch depoſition, extract, or other writing, ſhall be engroſſed, printed, or written, ſhall be marked or ſtamped with a lawful mark or ſtamp, according to this act; and the proper officer and officers are hereby enjoined and required, upon payment or tender of the ſaid duty, and the ſum of ten pounds ſterling, unto him or them, to give a receipt for
the

Attornies, &c. committing ſuch frauds to be diſabled from praſticing.

Penalty of 10l. on every depoſition, etc. ſo illegally made out, which is invalid till the duty and penalty be paid.

the same, and to mark or stamp the said vellum, parchment, or paper, with the proper mark or stamp accordingly.

VII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties on vellum, parchment, or paper, from time to time, shall and may appoint a fit person to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforesaid shall be engrossed, printed, or written, and of the marks or stamps thereon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts aforesaid, and such others to whom it may appertain, at the request of such commissioners, or of any two or more of them, shall make such orders in the respective courts, and do such other matters and things for the better securing of the said duties under their charge, as shall be lawfully and reasonably desired in that behalf.

Commissioners may appoint inspectors of the papers used in courts, and be judges are to assist in securing the duties.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, and all other officers who shall be employed in the collection or management of the said several rates and duties herein-before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall from time to time receive from the high treasurer, or the commissioners of the treasury, or any three or more of them for the time being, and that no fee or reward shall be taken or demanded by any such commissioners or officers from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable to any action, to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

Commissioners, etc. to follow the directions of the treasury, and not to take any fees.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used or provided, made or used in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble, or cause to be counterfeited or resembled, the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeited; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties, then every such person so offending, and being thereof convicted, shall be adjudged

Persons neglecting their duty, to be liable to prosecution.

Persons counterfeiting or using forged stamps, guilty of felony.

judged a felon, and fhall fuffer death as in cafes of felony without benefit of clergy.

Provisions of former acts to extend to this.

X. And be it further enacted by the authority aforefaid, That all powers, provisions, articles, claufes and all other matters and things preferred or appointed by any former act or acts of parliament relating to the ftamp-duties on vellum, parchment, and paper, (not hereby altered or repealed), fhall be of full force and effect with relation to the rates and duties hereby impofed, and fhall be applied and put in execution for raifing, levying, collecting, and fecuring the faid new rates and duties hereby impofed, according to the true intent and meaning of this act, as fully, to all intents and purpofes, as if the fame had feverally and refpectively been hereby enacted with relation to the faid new rates and duties hereby impofed.

Duties to be paid to the receiver general, and by him into the exchequer, where a feparate account is to be kept, and the money carried to the finking fund.

XI. And be it further enacted by the authority aforefaid, That the duties herein-before granted fhall be paid from time to time into the hands of the receiver general for the time being of the duties on ftamped vellum, parchment, and paper, who fhall keep a feparate and diftinct account thereof, and pay the fame (the neceffary charges of raifing, paying, and accounting for the fame, being deducted) into the receipt of the exchequer, at fuch time, and in fuch manner, as the duties now charged on ftamped vellum, parchment, and paper, are directed to be paid; and in the office of the auditor of the faid receipt there fhall be provided and kept a book or books, in which all the monies arifing from the faid duties, and paid into the faid receipt as aforefaid, fhall be entered feparate and apart from all other monies paid or payable to his Majefty, his heirs or fucceffors, upon any account whatfoever; and the faid money, to be paid into the faid receipt of exchequer as aforefaid, fhall be carried to and made a part of the fund commonly called *The Sinking Fund*.

XII. And, to the end the feveral fums granted out of the revenue arifing within that part of Great Britain called Scotland, towards the augmentation of the fularies of the faid judges, may be duly replaced, in cafe the faid duties hereby granted fhall be deficient for that purpofe, by fuch other ways and means as fhall be thought expedient by parliament when fuch deficiency fhall appear; be it further enacted by the authority aforefaid, That, from and after the firft day of January, in the year one thoufand feven hundred and eighty-eight, the auditor of the faid receipt of his Majefty's exchequer fhall annually, within twenty days after the firft day of January in every year, caufe to be made out an account in writing of all fuch fums of money as fhall be paid out of the faid revenue to the faid judges for the augmentation of their fularies, in purfuanee of any act or acts of this prefent feflion of parliament, for the year ending the fifth day of July then preceding; and alfo the produce of the duties hereby granted and paid into the faid receipt, in the fame year, ending as aforefaid; and fhall caufe fuch account to be laid before the commons in parliament, at their

From Jan. 1, 1788, an annual account to be laid before the commons of the fums paid for augmentation of judges fularies, and of the produce of the duties.

their then session (if then actually sitting), or if the parliament shall not be then sitting, in such case, at their first or next session, to the end a sufficient further provision may be made for the replacing to the said revenue the several sums so granted as aforesaid in augmentation of the salaries of the said judges, by such ways and means as shall seem expedient, in case any deficiency shall appear of the duties by this act granted for that purpose.

XIII. *And whereas by the laws now in force concerning the regulation of the judicatories in that part of Great Britain called Scotland, certain rates of fees and charges, due and payable to conveyancers, and others who use to write for payment, are established, whereby, and by the regulations and practice of the courts aforesaid consequent thereupon, each page of writing is understood to consist of thirty-six lines, and each line of nine words, which hath been held a fair and reasonable quantity to be engrossed or written thereon, according to the rates of the fee and charges allowed and payable for the same: now, in order to prevent his Majesty, his heirs and successors, from being defrauded of any of the duties by this act granted, and in order that all matters and things by this act charged, may be engrossed and written in such manner as they have been usually accustomed, and by law ought to be engrossed and written; be it therefore further enacted by the authority aforesaid, That, from and after the fifth day of July, in the year one thousand seven hundred and eighty-six, no skin or piece of vellum or parchment, or sheet or piece of paper, whereon any matter or thing for which a duty or duties is or are payable by this act, is engrossed, written, or printed, within that part of Great Britain called Scotland, shall be divided into, or shall include more than four pages, whereof each page shall and may contain thirty-six lines, and each line nine words, and no more; and every such matter and thing shall be engrossed and written conformable to the said regulations, and according to the course and practice of the respective courts aforesaid; and that if any attorney, conveyancer, agent, writer to the signet, writer, extractor, solicitor, procurator, clerk, or other person used to write for payment, within that part of Great Britain called Scotland, shall engross, print, or write, or cause to be engrossed, printed, or written, upon any skin or piece of vellum or parchment, or sheet or piece of paper, chargeable with any stamp-duty by this act, any more or greater number of words than according to the rate and quantity above-mentioned, or in any other manner, so as to insert in any one such skin or piece of vellum or parchment, or sheet or piece of paper, above one thousand two hundred and thirty-six words, every such person so offending shall, for every such offence, forfeit and pay the sum of ten pounds sterling, to be recovered and applied as herein-after is directed, and shall be, and is hereby made incapable to maintain or prosecute any action or suit in any court of law or equity, for the recovery of any fee, reward, or disbursement, on account of the engrossing, writing or making any such deposition, extract, or other writing aforesaid.*

Not more than a certain number of words to be inserted in one skin on penalty of 10l.

How penalties
are to be ap-
propriated.

XIV. And be it further enacted by the authority aforesaid, That all pecuniary penalties hereby imposed shall be divided and distributed (if sued for within the space of six calendar months from the time of such penalty being incurred), in manner following; that is to say, One moiety thereof to his Majesty, his heirs and successors, in the manner herein-after mentioned, and the other moiety thereof to the person or persons who shall inform or sue for the same.

Mode of re-
covery of pe-
nalties.

XV. And be it further enacted by the authority aforesaid, That all such pecuniary penalties shall and may be sued and recovered, with full costs of suit, in his Majesty's court of session, court of judicary, or court of exchequer in *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

No person to
be entitled to
part of penal-
ty, who does
not prosecute
in due time.

XVI. Provided always, and be it further enacted by the authority aforesaid, That such division or distribution of the penalties aforesaid, shall be, and is hereby confined and restricted to the prosecuting for the same, within the time herein-before for that purpose limited, and that in default of such prosecution within the time aforesaid, no informer or informers shall have, or be intitled to, any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid; any thing herein contained to the contrary notwithstanding.

His Majesty's
share to be
paid into the
exchequer on
August 1, an-
nually, and to
be applied like
other penal-
ties.

XVII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, in the year one thousand seven hundred and eighty six, all such penalties or forfeitures, and shares of penalties or forfeitures, as shall be due or payable to his Majesty, his heirs or successors, by virtue of this act, shall, from time to time, be paid into the hands of the receiver general (or some person to be authorized by the said commissioners, or the major part of them for the time being) who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer, on the first day of *August* in every year, unless the same shall be a *Sunday* or holiday, and then on the first day following which shall not be a holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said penalties or forfeitures, or shares of penalties or forfeitures, paid into the said exchequer, shall be entered in such manner as other penalties or forfeitures, and shares of penalties or forfeitures, for offences touching any the duties on stamped vellum, parchment and paper, are or shall, or may be directed by any act or acts of parliament of this present session to be entered; and the said monies so to be paid into the said receipt of the exchequer as aforesaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner, and to such purposes, as other penalties or forfeitures, due or payable to his Majesty, have heretofore

heretofore been used to be, or ought to have been paid or applied, and to no other use or purpose whatsoever.

XVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act, which subjects the offender to any pecuniary penalty, which said justice of the peace is hereby authorized and required, upon any information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter or fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witnesses or witnesses, (which oath he is hereby impowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, (all which penalties and forfeitures so adjudged shall be divided and distributed, one moiety thereof to the informer and informers who shall prosecute for the same, and the other moiety thereof, the necessary charges for the recovery thereof being first deducted, shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed), and to award and issue out his warrant under his hand and seal for the levying any such pecuniary penalties and forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where goods of the offender cannot be found sufficient to answer the penalty, to commit the said offender to the house of correction, there to remain for the space of three calendar months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then he, she, or they, shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, shire, stewartry, or place, wherein the offence was committed, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Justices to determine in pecuniary matters of penalties.

Appeal may be made to the quarter sessions.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without reasonable excuse for such

Witnesses neglecting to attend, forfeit 10l.

his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of ten pounds sterling, to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

Justices may mitigate penalties.

XX. Provided always, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing in this act contained to the contrary notwithstanding: and no such conviction shall be removed by *Certiorari* into any court whatsoever.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and it upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

C A P. XLIX.

An act for granting to His Majesty certain stamp duties on perfumery, hair powders, and other articles therein mentioned; and on licences to be taken out by persons uttering or vending the same.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant unto your Majesty the several new rates and duties upon the several wares and other articles herein-after mentioned: and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, there shall

From July 5, 1786, the following duties

shall be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several new rates and duties following, upon the several wares and other articles herein-after mentioned; (that is to say),

to be paid on
powders,
pastes, etc.
viz.

That for and upon every packet, box, bottle, phial, or other inclosure, containing any powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly called, known, or distinguished, by the name of *Sweet Scents, Oudours, or Perfumes*; or by the name of *Cosmeticks*; used or to be used by any person or persons as sweet scents, odours, perfumes, or cosmeticks, which shall be uttered, vended, or exposed to sale, in Great Britain, mixed or unmixed with other materials or ingredients, there shall be charged a stamp-duty according to the rates herein-after expressed; and also, that for and upon every packet, box, bottle, phial, or other inclosure, containing any dentifrice, powders, tinctures, or other preparation or composition whatsoever for the teeth or gums, which shall be uttered, vended, or exposed to sale in Great Britain, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and that for and upon every roll, cake, or piece, packet, box, pot, or other inclosure of, or containing any pomatum, ointment, or other preparation or composition for the hair, which shall be uttered, vended, or exposed to sale, in Great Britain, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and lastly, that for and upon every packet, or other inclosure, containing any hair powder, which shall be uttered, vended, or exposed to sale, in Great Britain, the price whereof shall exceed two shillings for the pound weight, there shall be charged a stamp-duty, according to the like rates herein-after expressed; (that is to say),

Where any such wares, or other articles aforesaid, shall not exceed the price or value of eight-pence, there shall be charged a stamp-duty of one penny:

For every
packet, etc.
of perfumes,
under 8s. value,
1d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of eight-pence, and not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny halfpenny:

Between 8d.
and 1s. — 1d.
2d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of one shilling, and shall not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

Between 1s.
and 2s. 6d. —
3d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of two shillings and sixpence, and shall be under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

Between 2s.
6d. and 5s. —
6d.

And where any such wares, or other articles aforesaid, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling:

5s. or up-
wards, — 1s.

Duties to be levied on every packet, etc. according to the above rates.

The said several and respective duties aforesaid to be levied and paid, upon each and every packet, box, bottle, phial, or other inclosure, and upon each and every roll, cake, ball, or piece of such wares or other article or articles aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, according to the respective prices or values above rated.

For every packet of hair powder under 2s. per lb. 1d. for each pound.

And also, That for and upon every packet, or other inclosure containing any hair powder, which shall be uttered, vended, or exposed to sale in *Great Britain*, the price whereof shall not exceed two shillings for the pound weight, there shall be charged for each and every pound weight thereof, or any less quantity than a pound weight, a stamp-duty of one penny.

Not to extend to drugs, etc. liable to the duties imposed by act 25 Geo. 3. c. 79.

II. Provided always, That nothing herein-before contained shall extend, or be construed to extend, to charge any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in any wise affecting the human body, which are charged and chargeable with certain rates and duties in and by an act made in the twenty-fifth year of the reign of his present Majesty, (intituled, *An act for repealing an act, made in the twenty-third year of the reign of his present Majesty, intituled, An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; and for granting other duties in lieu thereof*), with the rates or duties in and by this act imposed, or with any additional rate or duty by force hereof.

Not to common soap unmixed with perfumes.

III. Provided also, That nothing in this act contained shall extend, or be construed to extend, to charge with the above rates or duties any common soap imported into or made in *Great Britain*, and charged and chargeable with any rate or duty under the management of the commissioners of the customs or the commissioners of excise, which shall be uttered, vended, or exposed to sale in *Great Britain*, wholly unmixed with any such sweet scents, odours, or perfumes as aforesaid.

Persons vending articles hereby taxed, to pay 1s. annually for a licence.

IV. And be it further enacted by the authority aforesaid, That every person in *Great Britain* uttering, vending, or exposing to sale, any such wares, or other article or articles aforesaid, subject to the duties herein-before imposed, shall annually take out a licence for that purpose; and that for and upon every licence so taken out by any such person, there shall be charged a stamp-duty of one shilling.

Duties to be under the management of the commis-

V. And be it further enacted by the authority aforesaid, That for the better and more effectual levying and collecting the said several duties herein-before granted, the same shall be under the government, care, and management of the commissioners

soners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to employ such officers for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning stamped vellum, parchment, and paper.

VI. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed to manage the duties arising by stamps on vellum, parchment, and paper, or some person duly authorized by them, shall grant licences to such persons who shall apply for the same, to utter, vend, or expose to sale, in any city, town, or place within *Great Britain*, any such wares, or other article or articles as aforesaid, subject to the duties by this act imposed, and the said licences so granted shall continue in force for the space of one year, commencing from the fifth day of *July*, one thousand seven hundred and eighty-six, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and eighty-six, to commence from the day of the date of every such licence; and all and every person and persons who shall take out such licence or licences for uttering, vending, or exposing to sale, any such wares, or other article or articles as aforesaid, shall take out a fresh licence or licences for another year, ten days at the least before the expiration of that year for which he, she, or they shall have been licensed, if he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles aforesaid, or any of them, and shall in like manner renew such licence from year to year, paying down the sums due for the stamps on such licences so long as he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles as aforesaid, or any of them.

VII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall utter, vend, or expose to sale, any such wares, or other articles as aforesaid, which shall be subject to the rates or duties herein-before imposed, unless he, she, or they shall have first obtained a licence, and then remaining in force, in such manner as is herein-before directed, upon pain to forfeit, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

VIII. And be it further enacted by the authority aforesaid, That every person and persons uttering, vending or exposing

Vendors not
to having the

to deal in
Perfumery, on
the front of
his houſes,
ſeal, &c.

to ſale, any ſuch wares, or other article or articles as aforeſaid, and licenſed ſo to do, under and by virtue of this act, ſhall, within the ſpace of twenty days after ſuch licence ſhall have been granted, cauſe the words *Licenſed to deal in Perfumery*, to be painted or written in large and legible characters, either over the door, or in ſome viſible place in the front of his, her, or their houſe, ſhop, or warehouſe, at the reſpective places at which he, ſhe, or they ſhall utter, vend, or expoſe to ſale, any ſuch wares, or other article or articles as aforeſaid, to denote that ſuch perſon or perſons is or are a dealer or dealers in perſumery, and licenſed for that purpoſe; and if any perſon ſo licenſed as aforeſaid ſhall, after the expiration of twenty days after ſuch licence ſhall have been granted, preſume to utter, vend, or expoſe to ſale, any ſuch wares or other article or articles ſubject to the duties by this act impoſed, without fixing or hanging out ſuch notice as aforeſaid, every ſuch perſon ſo offending ſhall, for every ſuch offence, forfeit the ſum of five pounds, to be recovered and applied as herein-after is directed.

Unlicenſed
perſons fixing
ſuch notice
on their
houſes, forfeit
ſol.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall fix or hang out any ſuch notice as aforeſaid, or continue the ſame ſo fixed or hung out, without having a licence for that purpoſe then remaining in force, in ſuch manner as is herein-before directed, every ſuch perſon or perſons ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds, to be recovered and applied as herein-after is directed.

Venders to
ſend to the
commiſſion-
ers for ſtamp
and labels to
ſeal on
the covers, in
the manner
the com-
miſſioners
ſhall direct.

X. And, in order to ſecure the duties hereby impoſed, be it further enacted by the authority aforeſaid, That every perſon and perſons making, preparing, uttering, vending, or expoſing to ſale, any ſuch wares, or other article or articles as aforeſaid, which are ſubject to the duties hereby impoſed, ſhall, from time to time, apply to the ſaid commiſſioners of ſtamps, or to the officers appointed for that purpoſe, for paper covers, wrappers, or labels, to be paſted, ſtuck, faſtened, or affixed to packets, boxes, pots, bottles, phials, or other incloſures, containing any ſuch wares, or other article or articles as aforeſaid, or to be paſted, ſtuck, faſtened, or affixed to rolls, cakes, balls, or pieces of ſuch wares, or other articles, as ſhall be uttered, vend, or expoſed to ſale, without any incloſure as aforeſaid; upon which paper covers, wrappers, or labels, the ſaid commiſſioners, or the major part of them, as aforeſaid, are hereby directed and required to print or impreſs, or cauſe to be printed or impreſſed, ſome mark, device, or ſome particular word or words, to denote the ſaid duties, and the rate thereof: and the ſaid commiſſioners are hereby alſo required to deliver, or cauſe to be delivered, from time to time, to every ſuch licenſed vender or venders, as occaſion ſhall require, ſufficient covers, wrappers, or labels, for the purpoſe aforeſaid, on payment of the reſpective ſums due for the ſtamps thereon; and all and every the packets, boxes, pots, bottles, phials, and other incloſures, containing any ſuch wares, or other article or articles as aforeſaid, uttered, vend, or expoſed to ſale therein,

by

by any person or persons whatsoever; and also all and every the rolls, cakes, balls, and pieces of such other wares, or other article or articles as aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, by any person or persons whatsoever, shall have well and sufficiently pasted, stuck, fastened, or affixed thereto, such covers, wrappers, or labels, stamped, marked, impressed, or distinguished as aforesaid, in such manner as the said commissioners shall direct: and the said commissioners shall, from time to time, devise and direct the manner in which such covers, wrappers, or labels, shall be pasted or affixed to the said wares, or other article or articles aforesaid; or to the papers, thread, or other thing inclosing, or which shall be directed by the said commissioners to inclose, the same; and to make such rules and regulations in that behalf as they shall think fit and necessary, to prevent the covers, wrappers, or labels affixed to such wares, or other article or articles aforesaid, from being made use of again, after they shall have been sold and disposed of; which rules, regulations, and directions, shall be delivered to all and every vender or venders aforesaid, at the time of his, her, or their taking out the first licence herein-before directed to be taken out by every person and persons vending or exposing to sale such wares, or other articles aforesaid, subject to the duties by this act imposed; and so, from time to time, with every future licence that shall be granted, if any variation or alteration shall have been made in such rules, regulations, or directions aforesaid.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall, from and after the said fifth day of July, one thousand seven hundred and eighty-six, utter, vend, or expose to sale, or offer or keep ready for sale, or cause to be vended or exposed to sale, or offered or kept ready for sale, in any shop, house, or other place, of which notice shall have been sent as herein-after directed, any wares, or other article or articles aforesaid, subject to the duties hereby imposed, or receive any thing whatsoever by way of barter, or in exchange for any wares, or other article or articles aforesaid, subject to the said duties, unless the cover, wrapper, or label, hereby directed to be pasted, stuck, fastened, or affixed to the same, shall, previous to such sale, or exposing to sale, or offering for sale, as aforesaid, be well and sufficiently pasted, stuck, fastened, or affixed thereto, in such manner as the said commissioners shall from time to time direct, and marked or stamped as by this act is directed, or that shall have any cover, wrapper, or label, pasted, stuck, fastened, or affixed thereto, marked or stamped with a mark or stamp of less denomination or value than by this act is directed, under pain that all and every such person and persons so offending shall forfeit and pay, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for any person or persons, who is, are, or shall be a maker or makers of hair powder, having duly made a true entry at any office of excise in Great Britain, as required

Persons selling packets with out a stamped wrapper, or with one of a wrong denomination, forfeit 5l.

Hair powder not exceeding 2s. per lb. in value, and in quantity not by under 224 lb,

may be fold
without a
ſtamp: co-
ver, &c. by
the maker.

by the ſeveral ſtatutes in that caſe made and provided, to vend and ſell to any perſon or perſons dealing in hair powder, and licenſed by virtue and in purſuance of this act, and to and for ſuch licenſed perſon or perſons to buy for ſale any hair powder; the price whereof ſhall not exceed the rate of two ſhillings for the pound weight, and packed in any caſks, cheſts, caſes, bags, or other packages, each caſk, cheſt, caſe, bag, or other package whereof ſhall contain two hundred and twenty-four pounds of ſuch hair powder at the leaſt, without affixing, or being required to affix, to the ſame, any cover, wrapper, or label, marked or ſtamped according to the directions of this act; any thing herein contained to the contrary thereof notwithstanding.

Perſons ſelling
ſuch powder
to keep an
account
thereof for the
uſpection of
proper offi-
cers, on pe-
nalty of 10l.

XIII. And be it further enacted, That every ſuch maker or makers of hair powder, as aforeſaid, who ſhall vend or ſell the ſame without ſtamps, under the powers and directions of this act as aforeſaid, ſhall keep one or more book or books, wherein he, ſhe, and they ſhall fairly enter in writing an exact, particular, and true account of all ſuch hair powder which ſhall, from time to time, be ſold by him, her, or them, without ſtamps, and the name and names of the reſpective perſon and perſons, to whom, or to whoſe uſe, the ſame was ſo ſold, and the particular days and times when the ſame was ſo ſold; which book and books any officer or officers appointed by the ſaid commiſſioners, or any three of them, for that purpoſe, ſhall and may, at all reaſonable times, in the day-time, view and examine, and take any copy or copies of the ſame, or of ſuch parts thereof as he or they ſhall think proper, without hindrance or moleſtation, under the pain and penalty that every perſon offending in any of the particulars above mentioned ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds, to be recovered and applied as herein-after is directed.

Perſons ſelling
wares with
the ſame la-
bel a ſecond
time, forfeit
10l.

XIV. And, in order to prevent any ſuch cover, wrapper, or label, as aforeſaid, after the ſame ſhall have been uſed in the ſale or diſpoſal of any wares, or other article or articles aforeſaid, ſubject to the ſaid duties, from being made *for the like purpoſe, whereby his Majeſty's revenue might be leſſened and diminished*; be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, from and after the ſaid fifth day of July, one thouſand ſeven hundred and eighty-fix, fraudulently cut, tear, or take off, or cauſe to be cut, torn, or taken off, from any wares, or other article or articles aforeſaid, ſubject to the ſaid duties hereby impoſed, any cover, wrapper, or label, marked or impreſſed with any mark or ſtamp in reſpect whereof or whereby any duty or duties by this act impoſed is or are paid or payable to his Majeſty, his heirs or ſucceſſors, after the ſame ſhall have been ſold and diſpoſed of, or ſhall fraudulently paſte, ſtick, faſten, or affix, or cauſe to be paſted, ſtuck, faſtened, or affixed, to any ſuch wares, or other article or articles as aforeſaid, any ſuch cover, wrapper, or label, ſo fraudulently cut, torn, or taken off as aforeſaid; or ſhall utter, vend, or expoſe to ſale, or cauſe to be uttered, vended, or expoſed to ſale, any ſuch wares, or other article

article or articles as aforesaid, with such cover, wrapper, or label, which shall have been so fraudulently cut, torn, or taken off as aforesaid; all and every the person and persons so offending, in any of the particulars before-mentioned, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

XV. *And, the better to prevent the like frauds*, be it also further enacted by the authority aforesaid, That if any person or persons shall, from and after the said fifth day of July, one thousand seven hundred and eighty-six, wilfully and knowingly sell or buy, or give or receive any other thing whatsoever by way of barter, or in exchange for, any such cover, wrapper, or label, marked or stamped with any mark or stamp in respect whereof any duty or duties is or are paid or payable to his Majesty, his heirs or successors, in pursuance of this act (which hath been before made use of in the sale or disposal of any such wares, or other article or articles as aforesaid, liable to the said duties), in order to be again made use of for the like purpose; or shall wilfully and knowingly sell or buy, or give or receive any thing whatsoever by way of barter, or in exchange for, any such wares, or other article or articles as aforesaid, subject to the said duties, or any such packet, box, pot, bottle, phial, or other inclosure aforesaid, with such cover, wrapper, or label, which hath been before made use of in manner aforesaid, pasted, stuck, fastened, or affixed thereto; every such person or persons so offending shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels to be used a second time, or buying or selling packets with such labels, forfeit 10l.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners for the time being appointed to manage the duties upon stamped vellum, parchment, and paper, or the major part of them, shall allow and pay to every person who shall be supplied with paper covers, wrappers, or labels, in pursuance of this act, after the rate of five pounds in the hundred pounds upon present payment of the said duty or duties upon the said covers, wrappers, or labels, so to them supplied.

Five pounds per cent. discount to be allowed for prompt payment of duties.

XVII. *And whereas the passing on and affixing the covers, wrappers, or labels on the several wares or other article or articles, or the inclosures thereof, in the manner, and under the several rules, regulations, and directions, to be made by the said commissioners, will tend greatly to secure the said duties by this act imposed*, be it therefore enacted by the authority aforesaid; That, from and after the said fifth day of July, one thousand seven hundred and eighty-six, every person and persons who shall utter, vend, or expose to sale, any such wares, or other article or articles as aforesaid, liable to the duties by this act imposed, before they shall respectively obtain a licence to utter, vend, or expose to sale, the same in pursuance of this act, shall give or send notice in writing of the usual shop, house, or place, shops, houses, or places, where they respectively shall utter, vend, or expose to sale the same, or intend so to do; which notice shall be given or sent to the com-

Notice of the place of vending articles liable to duty to be sent to the commissioners of stamps, on penalty of 5l.

missioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place or places respectively where such wares or other article or articles are uttered, vended, or exposed to sale, or intended so to be; and the like notice shall be given or sent, by every such person or persons, as often as they respectively shall change the places where such goods and other articles are by them sold, or intended to be sold; which notice shall contain the particular shop, house, and place, and the particular room or apartment of the shop, house, or place, wherein the same are so vended or exposed to sale, or intended so to be, upon pain that every person making default in giving notice as aforesaid, shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed; and all such wares, and other article and articles aforesaid, subject to the duties hereby imposed, which shall be kept ready for sale, or offered to sale, in any shop, house, or other place, whereof notice shall have been given or sent as aforesaid (except such wares, and other article or articles aforesaid, which are particularly enumerated and specified in a certain schedule to this act annexed, intituled, *Schedule Second*; and which shall be, and are hereby allowed to be kept for sale, and exposed to sale, in any such shop, house or other place aforesaid, in bulk or otherwise, without any stamped cover, wrapper, or label affixed thereto, until the time of actual sale thereof), shall be deemed and adjudged to require a cover, wrapper, or label, marked and stamped as by this act is required, to be previously affixed thereon, in manner to be directed by the said commissioners as aforesaid; and it shall and may be lawful to and for any officer or officers, being thereunto authorised by the said commissioners, to enter in the day-time into any such shop, house; or place, or any room or apartment whereof such notice shall have been given or sent as aforesaid, and there to search and examine whether the said several wares, and other article or articles aforesaid, so kept ready for sale, or offered to sale, as aforesaid, in such shop, house, or other place aforesaid, have respectively a cover, wrapper, or label duly affixed thereto, or to the inclosures containing the same, according to the directions of this act; and if such wares or other article or articles aforesaid (except as herein excepted) shall be exposed to sale, or kept ready for sale, in any such shop, house, or other place as aforesaid, without any cover, wrapper, or label affixed thereto, or with a cover, wrapper, or label of less denomination or value than by this act is directed, or with a cover, wrapper, or label affixed thereto unduly and insufficiently, and contrary to the directions of the said commissioners, it shall and may be lawful to and for such officer and officers respectively, and he and they is and are hereby required to affix, or cause to be affixed, to the said wares, or other article or articles aforesaid so exposed to sale, or kept ready for sale as aforesaid respectively, or to the respective inclosures thereof, a cover, wrapper, or label marked and stamped as aforesaid, (to be supplied by the said officer or officers, if occa-

sion

Proper officers may search shops, &c. and where stamp covers are wanting, affix the same which must be paid for, on penalty of 5l.

tion shall require), in such manner as the said commissioners shall from time to time direct; and if the owner or owners, or vender or venders thereof, or the person or persons having the care or custody thereof, shall not upon demand pay and discharge to the said officer and officers all such sums of money as shall have become due and payable by him, her, or them, in respect of the stamps upon the said covers, wrappers, or labels so supplied as aforesaid, every such person or persons shall, for every such offence, forfeit and pay the sum of five pounds, over and above the said duties, to be recovered and applied as herein-after is directed.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall obstruct or hinder any of the said officers in the execution of the powers and authorities given to him or them by this act, for securing the said duties, every such person and persons so offending shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons obstructing officers in the execution of their duty, forfeit sol.

XIX. Provided always, and be it further enacted, That in case any covers, wrappers, or labels, shall be damaged, defaced, or spoiled in affixing the same upon such wares, or other articles as aforesaid, or otherwise, so as to be rendered unfit for use, it shall and may be lawful for any person or persons licensed in pursuance of this act, to bring such covers, wrappers, or labels, so marked and stamped as aforesaid, together with the wares or other articles to which the same shall have been affixed, to the commissioners for managing the stamp-duties, or to the head officer appointed by them, and on oath (or solemn affirmation, in case such licensed person shall be one of the people called *Quakers*), thereof made by such licensed person, to the satisfaction of the said commissioners or head officer so appointed (who are hereby authorized to administer such oath or solemn affirmation, and to examine into all circumstances relating to the damaging, defacing, or spoiling the same), that such covers, wrappers, or labels, so defaced or spoiled, or rendered unfit for the purpose intended, have not been used for any other purpose, or in any other manner whatsoever; and that none of them have been fraudulently rebought or returned after the same have been sold or disposed of; and that no money, or other consideration, hath been paid or given for the same, save and except the money first paid for such covers, wrappers, or labels, at the stamp-office, or other places appointed by the commissioners for the distribution thereof; then, and in such case, the said commissioners are hereby required and directed, after destroying such defaced covers, wrappers, or labels, to deliver to such licensed person other covers, wrappers, or labels, of the same denomination or value, instead of the covers, wrappers, or labels so damaged, defaced or spoiled, or rendered unfit for use as aforesaid, without demanding or taking, directly or indirectly, for the same, any sum of money or other consideration whatsoever.

Damaged labels may be returned for others without additional expence.

XX. And be it further enacted by the authority aforesaid, That,

Persons selling
articles sub-
ject to duty,
in any place
not specified
by notice,
forfeit 5l.

That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, if any person or persons, so licensed as aforesaid, shall vend or expose to sale any wares, or other article or articles subject to the duties by this act imposed; in any other shop, house, or place, than such as are respectively contained or described in such notice so given or sent to the said commissioners, or to their officers as aforesaid, every such person or persons so offending shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

Articles sold
for exporta-
tion, not sub-
ject to duty.

XXI. *And, to encourage the exportation of all such wares, and other articles aforesaid, into foreign parts,* be it further provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the sale of any wares or other articles, by any licensed person as aforesaid, to any person in *Great Britain* for the purposes of exportation, where such wares and other articles so sold shall be, *bona fide* and without fraud, exported to foreign parts; and that, in every such case, the person or persons selling the same for exportation do, within three days after the sale thereof, give or send notice, in writing, to the said commissioners, or some person duly appointed by them at the head office of stamps, or at the office of the distributor of stamps next adjacent to the place where he, she, or they shall respectively reside, of all such wares, or other article or articles aforesaid, which shall be so sold for exportation; which notice shall contain the quantities and denominations of all such wares, or other article or articles aforesaid, and the name and names of the person or persons to whom the same are so sold, and the port and place from which the same is to be exported; and all such notices shall be filed by the said commissioners, or their officers, to whom the same are given and sent as aforesaid; and a certificate thereof, containing the like quantities and denominations of the wares or other articles, and also the names, persons and places expressed in such notices respectively, shall, if required, be made out under the hands of the said commissioners, or their officers aforesaid, and delivered *gratis* to the person or persons by whom such notices respectively were given or sent; and in all prosecutions of offenders for selling or buying any such wares or other articles aforesaid, contrary to the provisions of this act, every such certificate shall be legal evidence of notice, and of the quantities and denominations of the wares and other articles aforesaid expressed or contained therein..

Account of
articles ex-
ported to be
sent to the
commissioners
of stamps,

to be filed,
and certifi-
cates thereof
to be granted
to the vend-
ers, which
shall be legal
evidence.

Persons con-
victed of
offences
against this
act, forfeit
their licence.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons, licensed in pursuance of this act, shall be convicted or prosecuted to final judgement by any the ways or means by this act prescribed of or for any offence against this act, whereby any pecuniary penalty or sum of money is incurred or forfeited, the licence granted to the person or persons so convicted or prosecuted to judgement of or for such offence, shall thenceforth be null and void; and so from time to time, upon each and every successive conviction or judgement against such person or persons so offending as aforesaid, every new or subsequent

subsequent licence granted in pursuance of this act shall, in like manner, thenceforth be null and void; and that it shall not be lawful for the said commissioners, or any of their officers respectively, after such conviction or judgement, to grant any new licence pursuant to this act, to any person or persons so convicted or prosecuted to judgement, unless such person or persons shall, at the time when such new licence is granted, give security by bond to his Majesty, his heirs and successors, with one or more sufficient sureties, to be approved of by the said commissioners, or the officer or officers by them appointed for that purpose, in the following sums respectively, and on the following condition; that is to say, If such person or persons respectively shall have been so convicted or prosecuted to judgement for a first offence against this act, then such bond to be entered into on the renewal of any licence vacated thereupon, shall be in the penal sum of one hundred pounds sterling money of Great Britain; and if such person or persons shall have been so convicted or prosecuted to judgement for a second or other subsequent offence against this act, then such bond shall be in double the penal sum contained in the last preceding bond, entered into by such person or persons so offending as aforesaid; and that the condition of such bonds, respectively shall be, that if such person or persons shall thenceforth well and truly conform to and observe all the regulations and provisions of this act, so far as he, she, or they shall be concerned therein, then such bonds shall be void, otherwise to be and remain in full force; and the said commissioners, or any three or more of them, and any officer or officers by them appointed for that purpose, are hereby authorized to take the said bond or bonds; and in case the person or persons entering into such bond, and to whom such licence shall have been granted, shall, at any time during the continuance of such licence, or any future licence, have acted contrary to the regulations and provisions of this act, and to the form and effect of the said condition, then and in such case the said commissioners shall, and they are hereby required to cause every such bond to be prosecuted with effect; and which prosecution shall and may be carried on against the principal obliger, his, her, or their surety or sureties, or his, her, or their executors or administrators respectively, as the said commissioners shall think proper.

What securities are to be given on renewal of forfeited licences.

XXIII. *And, in order to obviate any doubts which may arise in the construction of this act, for want of a particular specification, denomination, and enumeration of the different wares, or other articles aforesaid, which are charged with, or subject to the rates or duties by this act imposed, or to which the same shall extend; be it declared and further enacted by the authority aforesaid, That, the rates and duties hereby imposed on powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly called, known, or distinguished, by the name of Sweet Scents, Odours or Perfumes, or by the name of Cosmetics, used, or to be used, by any person or persons as sweet scents, odours perfumes, or cosmetics,*

Duties to extend to all articles included in the schedule annexed.

meticks, which shall be uttered, vended, or exposed to sale, in *Great Britain*; and also upon dentifrice powders, tinctures, and other preparation or composition whatsoever, for the teeth or gums, which shall be uttered, vended, or exposed to sale, in *Great Britain*; and also upon rolls, cakes, balls, or pieces, packets, boxes, or other inclosures of, or containing any pomatum, ointment, hair powder, or other preparation or composition for the hair, which shall also be uttered, vended, or exposed to sale in *Great Britain*; and upon persons uttering, vending, or exposing to sale the same; and all the powers, priviledges, articles, clauses, distributions of penalties and forfeitures, and all other matters and things prescribed or appointed by this act, for the raising, levying, collecting, and securing the said rates and duties, shall particularly extend, and be deemed and adjudged to extend, to charge with the said rates and duties all and every the wares and other article and articles mentioned, named, enumerated, or specified in the schedule hereunto annexed, by the respective names therein mentioned, or by whatsoever other name or names the same have heretofore been, now are, or hereafter shall be called, known, or distinguished; and also all other powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, and other preparation or composition aforesaid, called *Sweet Scents*, *Odours*, *Perfumes*, or *Cosmetics*, as aforesaid; and all dentifrice powders, tinctures, and other preparation or composition aforesaid for the teeth or gums; and all rolls, cakes, balls, or pieces, packets, pots, boxes, or other inclosures of, or containing any pomatum, ointment, hair powder, or other preparation or composition aforesaid for the hair, not therein particularly enumerated or specified, having the same or the like properties, qualities, virtues and efficacies, and used for the same or the like purposes with those wares or other articles so enumerated or specified therein, as fully and effectually as if the several wares and other articles aforesaid, in and by this act above described, and the several articles in the said schedule named, enumerated or specified, were particularly named, enumerated, or specified, in the body of this act.

Persons counterfeiting stamps, or using them, guilty of felony.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used in pursuance of this act, for the purpose of denoting the duties by this act granted; or shall counterfeit or resemble the impression of the same, upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, directed to be marked or stamped with any mark or stamp provided and used in pursuance of this act, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs

or

or successors, of any of the said duties, then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

XXV. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp duties on velum, parchment, and paper, shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully and effectually, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Former powers relative to stamp duties extended to this act.

XXVI. And be it further enacted by the authority aforesaid, That all pecuniary penalties hereby imposed, shall be divided and distributed (if sued for within the space of six calendar months from the time of any such penalty being incurred), in manner following; one moiety thereof to his Majesty, his heirs and successors, in the manner herein-after mentioned, and the other moiety thereof to the person or persons who shall inform and sue for the same.

How penalties are to be appropriated.

XXVII. And be it further enacted by the authority aforesaid, That all pecuniary penalties imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered, with full costs of suit, in any of his Majesty's courts at Westminster, for offences committed in that part of Great Britain called England, the dominion of Wales, or the town of Berwick upon Tweed; and in his Majesty's court of sessions, court of judicary, or court of exchequer, in Scotland, for offences committed in that part of Great Britain called Scotland, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

and how to be recovered.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That such division or distribution of the penalties as aforesaid shall be, and is hereby confined and restricted to the prosecuting for the same within the time herein-before for that purpose limited; and that in default of such prosecution within the time aforesaid, no informer or informers shall have, or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid; any thing herein contained to the contrary notwithstanding.

No informer intitled to his share of penalties who does not prosecute in time limited.

XXIX. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty; and which ties.

Justices may determine matters relative to pecuniary penalties which ties.

which said justice of the peace is hereby authorized and required, upon any such information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence shall have been committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary oath of the party, or by the oath of one or more credible witness or witnesses (which oath he is hereby impowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed; all which penalties and forfeitures so adjudged, shall be divided and distributed, one moiety thereof to the informer or informers who shall prosecute for the same, and the other moiety (the necessary charges for the recovery thereof being first deducted), shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed, and to award and issue out his warrant, under his hand and seal, for the levying any such pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within three days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then, he, she, or they shall and may, upon giving security, to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place wherein the offence was committed, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs, occasioned by such appeal, as to them shall seem meet.

Appeal may be made to the quarter sessions.

Witnesses neglecting to attend, forfeit 40 shillings.

XXX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as is herein-before directed as to other penalties.

XXXI. And, in order to avoid frivolous and vexatious appeals, be

be it further enacted by the authority aforesaid, That the justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; which conviction shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any more particular manner; (that is to say),

BE it remembered, That on the . . . day of . . . Form of conviction.
 in the year of our Lord . . . in the county of . . .
 A. B. of . . . was convicted before me
 C. D. one of his Majesty's justices of the peace for the said county,
 residing near to the place where the offence was committed, for that
 the said A. B. on the . . . day of . . .
 last past did, [here state the offence against the act], contrary to
 the form of the statute in that case made and provided: and I do de-
 clare and adjudge, That he, the said A. B. hath forfeited the sum of
 of law money of Great Britain, for the offence aforesaid;
 which sum of . . . I do hereby mitigate to the
 sum of . . . [here state the mitigated penalty if neces-
 sary] to be distributed as the law directs.
 Given under my hand and seal, the . . . day of . . .

XXXII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and that no such conviction shall be removed by *certiorari* into any court whatsoever. Penalties may be mitigated.

XXXIII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted, shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper; who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt, there shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies, paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid . . . Duties to be paid to the receiver general for stamps, and by him paid into the exchequer. And/or to keep a separate account of the monies, which shall be carried to the sinking fund.

paid into the said receipt of exchequer as aforesaid, shall be carried to and made part of the fund commonly called *The Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is, or by law may be applicable unto.

His Majesty's shares of penalties to be paid to the said receiver, and paid by him into the exchequer annually on Aug. 1;

XXXIV. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, all such penalties or forfeitures, and shares of penalties or forfeitures, as shall be due or payable to his Majesty, his heirs or successors, by virtue of this act, shall, from time to time, be paid into the hands of the said receiver general (or some other person to be authorized by the said commissioners for the time being, or the major part of them, to receive the same), who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer, on the first day of *August* in every year, unless the same shall be a *Sunday* or holiday, and then on the first day following not being a holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said penalties or forfeitures, or shares of penalties or forfeitures paid into the said receipt, shall be entered in such manner as shall or may be directed by any act or acts of parliament of this present session: and the said monies, so to be paid into the said receipt of exchequer as aforesaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner and to such purposes as other penalties or forfeitures due or payable to his Majesty have heretofore been used to be, or directed to be paid or applied, and to no other use or purpose whatsoever.

and applied as other penalties.

XXXV. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

Wash Balls, Chemical	Waters, Cologne
Italian	Italian Hair Water
Marble	Mifs in her Teens
Queen's Marble	Suave
Royal Cyprian	Sans Pareille
Washes, Venetian Bloom	Vento's Italian Water
Turkish	Wool, China
Waters, Perfumed	India
Carmes	Spanifh

SCHEDULE SECOND

To which this ACT refers :

Containing the names of certain wares and other articles liable to the duties by this act imposed, and which are allowed to be kept for sale in bulk, or otherwise, without any stamped cover, wrapper, or label affixed thereto, until the time of actual sale thereof, if such cover, wrapper, or label shall, at the time of such sale, be *bona fide* and without fraud affixed thereto in pursuance of this act.

Almond Paste	Perfumed and coloured Hair
Powder	Powder, above the price
Rears' Grease	of two shillings per pound
Cold Cream	weight
Italian square hard Soap	Rouge in pots
Naples soft Soap	Wash Balls of all sorts.

CAP. L.

An act for the encouragement of the southern whale fishery.

WHILEAS it is proper to encourage, by new and additional premiums, the fishery carried on by his Majesty's European subjects in the seas to the southward of the Greenland seas and Davis's Streights, for the purpose of taking whales and other creatures found in those seas : and whereas it is of importance that immediate effect should be given to such new and additional premiums, for which reason it is necessary to repeal the laws by which the present premiums are granted ; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of June, one thousand seven hundred and eighty-six, so much of an act, passed in the fifteenth year of the reign of his present Majesty, intituled, *An act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the British dominions in Europe ; and for securing the return of the fishermen, sailors, and others, employed in the said fisheries, to the ports thereof, at the end of the fishing season, as relates to the whale fishery carried on to the southward of the Greenland seas and Davis's Streights ;* and also so much of another act, passed in the

Preamble.

Part of 15 Geo. 3. c. 31 ;

sixteenth year of the reign of his present Majesty, intituled, *An act for the further encouragement of the whale fishery, carried on from Great Britain, and Ireland, and the British dominions in Europe, and for regulating the fees to be taken by the officers of the customs in the island of Newfoundland*, as relates to the said whale fishery, shall be, and are hereby repealed, except so far as regards ships or vessels, which may have been fitted and cleared out for the purpose of carrying on such fishery before the first day of *May*, one thousand seven hundred and eighty-six, under the encouragements given by the said acts.

Premiums
granted for
ten years to
twenty ships
fitted out for
the whale
fishery from
Great Britain
or Ireland.

II. And be it further enacted by the authority aforesaid, That the several premiums hereafter mentioned shall be paid and allowed for ten years to twenty ships or vessels employed in the said fishery, under the limitations and restrictions hereinafter expressed; that is to say, Every such ship or vessel shall appear by her register to be *British* built, and shall be fitted and cleared out from some port of *Great Britain* or *Ireland*, or the islands of *Jersey*, *Guernsey*, or *Man*, and shall be wholly owned by his Majesty's subjects usually residing in any of the dominions aforesaid, and navigated as hereinafter directed.

Particulars of
premiums for
fifteen ships
first fitted out,
etc.

III. And be it further enacted by the authority aforesaid, That for fifteen of such ships or vessels which shall be so fitted and cleared out after the first day of *May*, and before the first day of *September*, in the present year one thousand seven hundred and eighty-six, and between the first day of *May* and the first day of *September* in each succeeding year, and shall have sailed to the southward of the seventh degree of north latitude, and shall there have *bena file* carried on the said fishery, and shall return before the first day of *July*, in the year subsequent to that in which they cleared out, to some port of *Great Britain*, there shall be paid and allowed five hundred pounds to each of the three such ships or vessels which shall so sail and first arrive; within the times herein-before mentioned, with the greatest quantity of oil or head matter taken together, being not less in the whole than twenty tons in each of such ships or vessels, and being the produce of one or more whale or whales, or other creatures living in the seas, taken and killed by the crews of every such ship or vessel respectively; and there shall be paid and allowed four hundred pounds to each of the three such ships or vessels, which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed

lowed two hundred pounds to each of the three such ships or vessels, which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel,*and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed one hundred pounds to each of the three such ships or vessels which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale, or whales, or other creatures living in the seas, so taken as aforesaid.

IV. And be it further enacted by the authority aforesaid, That for five other of such ships or vessels, which shall be fitted and cleared out, and shall sail within the times herein-before mentioned, and proceed to the southward of the thirty-sixth degree of south latitude, and shall there *bona fide* carry on the said fishery, and shall return in not less than eighteen months, and not more than twenty-eight months, from the first day of May, in the year in which they clear out, to some port in *Great Britain*,* there shall be paid and allowed seven hundred pounds to the first of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the greatest quantity of oil and head matter taken together, being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, and taken and killed by the crew of such ship or vessel; and there shall be paid and allowed six hundred pounds to the second of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed five hundred pounds to the third of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed four hundred pounds to the fourth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed three hundred pounds to the fifth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken

Particulars of
premiums for
the five ships
last fitted out.

taken together, and being not lefs in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the fea, fo taken as aforefaid.

The mafter and three fourths of the crew muft be Britifh fubjects, or foreign proteftants intending to eftablifh themfelves in Great Britain.

V. And be it further enacted by the authority aforefaid, That every fuch fhip or veffel fhall be navigated by perfons, of whom the mafter and at leaft three fourths of the mariners are his Majefty's fubjects actually refiding in *Great Britain, Ireland, Guernfey, Jerfey, or Man*; or it fuch fhip or veffel fhall clear out from any port of *Great Britain*, then that fuch fhip or veffel may be navigated by perfons being proteftants, and who, not being fubjects of his Majefty, have been heretofore employed in carrying on the faid fifhery, and who fhall, at the time of clearing out of every fhip or veffel on board of which they fhall ferve refpectively, make oath, or, being a quaker, fhall make affirmation, before two or more of the principal officers of the customs, or of which the collector is to be one, at the port where fuch fhip or veffel fhall fo clear out, (which oath or affirmation they are hereby authorized and required to adminifter), if it is their firft voyage from any port of *Great Britain*, that they have already eftablifhed, or that it is their intention to eftablifh themfelves and their families in *Great Britain*, as inhabitants thereof, and fubjects of his Majefty; and if it fhall be their fecond, or any fubfequent voyage, that they actually have eftablifhed themfelves and their families in *Great Britain* as aforefaid.

No premium fhall be paid, unlefs there is on board an apprentice for three years, for every 50 tons burthen:

VI. And be it further enacted by the authority aforefaid, That no premium granted by this act fhall be paid or allowed to any perfon or perfons whatever, for or on account of any fhip or veffel employed in the aforefaid fifhery, unlefs fuch fhip or veffel fhall have on board an apprentice indentured for the fpace of three years, at the leaft, for every fifty tons burthen of fuch fhip or veffel by admeafurement, every fuch apprentice not exceeding the age of eighteen years, nor being under fourteen years, at the time he fhall be fo indentured, and having proceeded on and continued the whole of the voyage both out and home for which any fuch premium fhall be claimed, unlefs fuch apprentice died or deferted in the courfe of the voyage; which facts fhall and are hereby required to be verified by the oath of the mafter, the mate, and two of the mariners belonging to fuch fhip or veffel, taken before two or more of the principal officers of the customs, at the port to which fuch fhip or veffel fhall return from the faid fifhery, (of which the collector is to be one), which oath they are hereby authorized and required to adminifter; and in confirmation alfo thereof, the proper officers of the customs belonging to the port to which fuch fhips or veffels fhall refpectively return, fhall, immediately after their return from fuch voyage refpectively, vifit every fuch fhip or veffel, and mufter the crew, and having fatisfied themfelves therein, fhall certify the fame to the commiffioners of his Majefty's customs in *England* and *Scotland* refpectively.

Nor unlefs a log book

VII. And be it further enacted by the authority aforefaid, That no premium granted by this act fhall be paid or allowed

to any person or persons whatever, on account of any ship or vessel employed in the said fishery, unless a log book shall have been regularly kept on board such ship or vessel, in which log book the various situations and occurrences, respecting such ship or vessel, during the whole course of the voyage, shall be interted every day, and particularly the times when such ship or vessel shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distances therefrom, and the soundings; and also the time when and the latitude in which any whale, or other creature living in the sea, shall have been killed, taken, or caught by the crew of such ship or vessel; which log book, so to be kept as aforesaid, shall be delivered by the master, or other person having or taking the charge or command of such ship or vessel, at the time of his making a report of such ship or vessel, to the collector of the customs at any port in *Great Britain*, where such ship or vessel shall arrive, on her return from the said fishery, for his inspection and examination; and the said master, or other person having or taking the charge or command of such ship or vessel, together with the mate thereof, shall jointly and severally verify on oath the contents of such log book before such collector, who is hereby authorised and required to administer the same

shall have been regularly kept, which shall be delivered to the collector of the customs verified on oath.

VIII. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, in the course of her voyage, meet or fall in with any of his Majesty's ships or vessels of war, the master, or other person having or taking the charge or command of her, shall and is hereby required to produce to the captain, or other officer commanding such ship or vessel of war, the said log book, so to be kept as aforesaid; and such captain or commanding officer shall, and is hereby required to make a memorandum in such log book of the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log book of the said ship or vessel of war, of the name and description of the ship or vessel on board of which the log book of such ship or vessel, so produced to and signed by him, was kept; and in case such ship or vessel, on board of which a log book is required to be kept as aforesaid, shall put into any foreign port, where there is or shall be a *British* consul, or other chief *British* officer, the master, or other person having or taking the charge or command of such ship or vessel, shall and is hereby required to produce such log book to such *British* consul, or other chief *British* officer, who shall and is hereby required also to make a memorandum therein of the day on which it was so produced to him, and shall, in like manner, subscribe the same.

The log book to be produced to the captain of any ship of war that may be met at sea, who shall make therein a memorandum of the production; and also to the *British* consul at any foreign port, for the like purpose.

IX. And be it further enacted by the authority aforesaid, That the master, mate, and two of the mariners belonging to every such ship or vessel, shall and are hereby required, upon the importation into *Great Britain* of any oil or head matter as being taken on the fishery aforesaid, to declare upon oath, before one or more of the principal officers of the customs at the ports

Oath to be made that the cargo is the produce of creatures killed by the ship's crew.

of their arrival refpectively, of which the collector fhall be one (which oath they are hereby authorifed and required to adminifter,) from what port, and the time when, fuch fhip or veflel cleared out, and that all fuch oil or head matter, fo imported, is the produce of one or more whale or whales, or other creatures living in the fea, actually and *bona fide* taken and killed by the crew of fuch fhip or veflel only, at the times, and in the latitudes refpectively mentioned and fet down in the log book fo to be kept as aforefaid.

Persona taking part of the cargo of other veflels for the purpofe of obtaining a premium, forfeit foool. one moiety to the informer, if information be given in a month after report at the custom-houfe.

X. And be it further enacted by the authority aforefaid, That in cafe the mafter, or other perfon having or taking the charge or command of any fhip or veflel whatever, fitted out as aforefaid, for the purpofe of obtaining fome one or other of the premiums, granted by this act, fhall knowingly receive or permit, or fuffer to be received on board fuch fhip or veflel, for the purpofe of obtaining any one of the faid premiums, any oil, head matter, or any other produce whatever of any whale or whales, or other fift or creatures living in the fea, which whale or whales, or other creatures living in the fea, fhall not have been really and *bona fide* caught and taken by the crew of fuch fhip or veflel only, fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veflel, fhall forfeit the fum of five hundred pounds; one moiety of which fum fhall on recovery thereof, be paid to the perfon or perfons difcovering the fame, provided fuch perfon or perfons fhall give information of the offence within one month after fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veflel, fhall have reported his fhip or veflel at the custom-houfe at the port to which fuch fhip or veflel fhall return from the faid fifhery; which mafter, or other perfon having or taking the charge or command of fuch fhip or veflel, is hereby required to make fuch report in the ufual time, and in the manner in which all trading fhips or veflels are reported before the proper officers of the customs; and the owner or owners of fuch fhip or veflel fhall, and is and are hereby authorifed and required, in cafe, at the time fuch information fhall be given, any fum or fums of money fhall be due from him or them to fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veflel, to keep and detain fuch fum or fums of money, and to pay the fame (towards difcharging the faid penalty) to the collector or other principal officer of the customs at fuch port to which fuch fhip or veflel fhall fo return from fuch fifhery; and if fuch owner or owners fhall pay any fum or fums of money to, or fhall otherwife account for, fuch fum or fums of money with any mafter or other perfon having or taking the charge or command of any fuch fhip or veflel, before the expiration of one month after the report fhall have been fo made at the custom-houfe as aforefaid, and fuch mafter or other perfon fhall be liable to the penalty aforefaid, fuch owner or owners fhall make good fuch fum or fums of money fo paid, or otherwife accounted for, and fhall pay the fame towards difcharging

When information has been given, owners to pay any fums due to mafters to the collectors of the customs; and if paid otherwife, fhall be accountable for the fame.

discharging the aforesaid penalty into the hands of the collector, or other principal officer of the customs, in manner before directed.*

XI. And be it further enacted by the authority aforesaid, That in case any whale or whales, or other creatures living in the sea, shall be caught or taken in any part of the ocean, to the northward of the seventh degree of north latitude, by the crew of any of the fifteen ships or vessels, to which premiums are given in manner before mentioned, or to the northward of the thirty-sixth degree of south latitude, by the crew of any of the five ships or vessels, to which other premiums are also given, in manner before mentioned, either on the voyage out or return home, of any such ship or vessel, the oil or head matter produced from such whale or whales, or other creatures so caught or taken, shall be accounted, and considered and taken to be part of the quantity of oil and head matter required to be taken and imported as aforesaid, to entitle the owner or owners of such ship or vessel to some one of the premiums herein-before granted; provided it shall appear by the log book of such ship or vessel, so kept as aforesaid, that such ship or vessel hath actually sailed beyond, and been *bona fide* employed in the fishery, either to the southward of the seventh degree of north latitude, or to the southward of thirty-six degrees of south latitude, as the case may be.

Produce of whales caught in particular latitudes on the voyage to be deemed part of the quantity entitling to a premium.

XII. And be it further enacted by the authority aforesaid, That in case any ship or vessel shall have been fitted out on the aforesaid fishery, under the rules and restrictions contained in the before recited acts, made and passed in the fifteenth and sixteenth years of the reign of his present Majesty, and shall have set sail upon a voyage for such fishery, after the first day of *January*, one thousand seven hundred and eighty-six, and before the said first day of *May*, one thousand seven hundred and eighty-six, and shall in all respects conform to the several and respective rules, regulations, and restrictions in and by the said recited acts directed and required, the owner or owners of every such ship or vessel shall be allowed and entitled to such one or other of the aforesaid premiums, granted by this act to the fifteen ships or vessels herein-before mentioned, as such owner or owners would be entitled to if such ship or vessel had been fitted out, and had sailed after the said first day of *May*, and before the said first day of *September*, one thousand seven hundred and eighty-six, in conformity to the regulations of this act; and every such ship or vessel shall be accounted as one in the number of the ships or vessels to which the fifteen premiums herein-before mentioned are granted.

Ships fitted out under the recited acts of 15 & 16 Geo. 3. which sailed between Jan. 1, and May 1, 1786, entitled to premiums.

XIII. And be it further enacted by the authority aforesaid, That in case all and every the several rules, regulations, and restrictions, prescribed and directed by this act, shall have been observed and fully complied with, it shall and may be lawful for the commissioners of his Majesty's customs in *England*, or any two or more of them, and the commissioners of his Ma-

Commissioners of the customs may order payment of the premiums.

jeſty's

jefty's customs in *Scotland*, or any three or more of them, to order the receiver general of his Majesty's customs in *England* and *Scotland* respectively, to pay out of any money in his hands, arising by any duties under their management, to such person or persons as shall be legally intitled thereto, any of the premiums herein-before granted.

Ships permitted to sail to the east of Good Hope, &c.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any ship or vessel, employed in carrying on the said southern whale fishery, to sail and pass for that purpose to the eastward of the *Cape of Good Hope*, and to the westward of *Cape Horn*, or through the *Streights of Magellan*; any law, usage, or custom to the contrary notwithstanding.

Restrictions in their course.

XV. Provided always, and be it further enacted, That any ship or vessel sailing to the eastward of the *Cape of Good Hope*, for the purpose aforesaid, shall not sail or pass to the northward of thirty degrees of south latitude, nor make more than fifteen degrees of east longitude from the said *Cape of Good Hope*; and that any ship or vessel so sailing or passing to the westward of *Cape Horn*, or through the *Streights of Magellan*, for the purpose aforesaid, shall not pass to the northward of the equinoctial line, nor make more than fifty degrees of west longitude from *Cape Horn*.

Ships sailing to the East of Good Hope, &c. to take a licence from the India company.

XVI. Provided also, and be it further enacted. That every ship or vessel employed in the said fishery, and intending to sail or pass to the eastward of the *Cape of Good Hope*, or to the westward of *Cape Horn*, or through the *Streights of Magellan*, shall, before she shall proceed on her voyage, be obliged to take a licence for each respective voyage, from the court of directors of the united company of merchants of *England* trading to the *East Indies*, for the time being, in the name and under the seal of the said company, specifying which of the said voyages such ship shall be licensed to perform, and such licence shall be valid and effectual only for the voyage therein expressed; and the said court of directors shall not be required to grant any licence to pass to the eastward of the *Cape of Good Hope*, to more than ten ships or vessels in any one year or season, nor to grant any licence to any ship or vessel to sail or pass to the eastward of the *Cape of Good Hope*, unless the person or persons applying for, or demanding such licence, shall deliver to the said court of directors a manifest or certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place from whence such ship or vessel is intended to clear out and sail, verified by the oath of the owner or owners, or the master of such ship or vessel, taken before and attested by any magistrate, or other person authorised by law to take affidavits, specifying the names and places of abode of the owner or owners, and master of the said ship, and also the species, quantity, quality, and value of all goods then on board of such ship or vessel, and of all goods (if any) intended to be afterwards taken into, or on board of the same, before her departure

Conditions on which such licences are to be granted.

parture outwards; and alſo unleſs it ſhall, by ſuch manifeſt or certificate, appear unto the ſaid court of directors, that no goods or merchandizes whatever (ſave and except the ſtores of ſuch ſhip or veſſel, and the tackle, materials, and other things neceſſary for the purpoſe of the voyage) are taken, or intended to be taken into or on board of ſuch ſhip or veſſel.

XVII. And be it further enacted, That if any ſhip or veſſel to be employed in the ſaid ſouthern whale fiſhery, to the eaſtward of the *Cape of Good Hope*, or the weſtward of *Cape Horn*, ſhall proceed or go beyond the limits herein-before ſpecified or expreſſed, unleſs driven or forced beyond the ſame by ſtreſs of weather, or other inevitable accident, or being ſo driven or forced, ſhall not return back within the limits herein-before preſcribed, with as much convenient ſpeed as the ſafety of the ſhip or other circumſtances will admit; or if any ſhip or veſſel ſhall depart from any port or place without having firſt obtained ſuch licence as aforeſaid, and ſhall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or in any other place within the limits of the ſaid company's excluſive trade; or if any ſhip or veſſel, being ſo licenſed to proceed to the fiſhery beyond the *Cape of Good Hope*, ſhall have on board, or ſhall take on board before her return, any manufactures, goods, or merchandize, other than and except ſuch as ſhall have been ſpecified and deſcribed in and by ſuch manifeſt or certificate, and other than and except the oil, head matter, or bone of whales, or other fiſh or creatures caught or taken in carrying on the ſaid fiſhery; every ſuch ſhip or veſſel, and the goods, merchandizes, and effects on board the ſame, and the owner and owners, maſter and crew thereof, ſhall be deemed and taken, to all intents and purpoſes, to be ſubject to the ſeveral provisions, regulations, penalties and forfeitures, by any act or acts, made or impoſed upon any perſon or perſons, or their ſhips, veſſels, goods, merchandizes, and effects, who ſhall repair, fail, adventure, or go to, or traffick, trade, or be found in the *East Indies*, or other place or places within the limits of the ſaid united company's excluſive trade, without licence having been firſt obtained from the ſaid company; and the offenders ſhall and may be ſued and proſecuted, and the penalties and forfeitures incurred ſhall and may be recovered in any court of juſtice in *Great Britain*, or in the *East Indies*, wherein ſuits may be inſtituted and brought for offences committed againſt the ſaid acts, or any of them.

XVIII. And be it further enacted by the authority aforeſaid, That within thirty days next after the return of any ſhip or veſſel from a fiſhing voyage from the eaſtward of the *Cape of Good Hope*, the maſter of ſuch ſhip or veſſel ſhall deliver, or cauſe to be delivered, to the ſecretary of the ſaid united company, for the uſe of the ſaid court of directors, a certificate under the hand of the collector or comptroller, or other chief officer of the cuſtoms belonging to the port or place where the ſaid ſhip or veſſel ſhall arrive, verified by the oath of the ſaid

Ships failing out of their limits, or having improper merchandize on board, liable to the penalties of trading to the *East Indies* without licence.

Certificates to be delivered to the ſecretary of the *East India* company, that no produce of the *East Indies* has been im-

maſter,

ported, to entitle to a premium.

master, taken before and attested by any magistrate or other person authorised by law to take affidavits, that no goods or merchandizes whatever of the growth, produce, or manufacture of any place or places in the *East Indies*, *China*, or elsewhere between the *Cape of Good Hope*. and the *Streights of Magellan*, except oil, head matter, or bone of whales or other fish, have been taken on board such ship or vessel during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship or vessel during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause or reason of taking the same on board; and the owner or owners of such ship or vessel shall not be entitled to any bounty under the authority of this act, until such certificate as aforesaid shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

Ships sailing within the limits of the South Sea company, must have licence from the company.

XIX. Provided always, and be it enacted by the authority aforesaid, That every ship or vessel intending to navigate within, or frequent any part of the seas comprized in the boundaries of the exclusive trade of the *South Sea* company, as described in and by an act of the ninth of her late majesty *Queen Anne*, shall, before she shall proceed on every such voyage, be obliged to take a licence for such voyage from the governor and company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery; and every vessel navigating such seas, without such licence, shall be liable to such forfeitures and penalties as are created and enacted by the said act; any thing in this act to the contrary thereof in any-wise notwithstanding.

No ship entitled to more than one premium the same season.

XX. And be it further enacted by the authority aforesaid, That no ship or vessel whatever shall be entitled, within or during the periods of time respectively limited by this act for such ship or vessel to sail on and to return from such voyage, to more than one of the premiums hereby granted, although such ship or vessel shall make two voyages within any one of the periods aforesaid.

If water be mixed with the oil, &c. imported, it shall be forfeited, as well as the claim to premium.

XXI. And be it further enacted by the authority aforesaid, That upon the return of every ship or vessel from the fisheries aforesaid, in which ship or vessel any oil or head matter shall be imported, and on account of which importation any of the premiums herein-before granted shall be claimed or demanded, in case there shall be any reason to suspect that such oil or head matter is mixed with water, or any other material or materials, in order to increase the quantity thereof, it shall and may be lawful to and for the collector, or other principal officer or officers of the customs, at the port to which such ship or vessel shall so return, to nominate, and appoint, and such collector, or other principal officer or officers, is and are hereby required to nominate and appoint one or more (as the case may require) skilful person or persons to examine such oil or head matter, for the

the purpoſe of aſcertaining whether ſuch oil or head matter has been mixed with any water, or any other material or materials whatever (other than oil or head matter ſo taken as aforeſaid), whereby the quantity of ſuch oil or head matter is increaſed; and if it ſhall appear, upon ſuch examination, that there has been mixed with ſuch oil or head matter any water, or any other material whatever, whereby the quantity of ſuch oil or head matter is increaſed, the owner or owners ſhall not be intitled to any of the premiums granted by this act; and over and above the loſs of the premium, ſuch oil or head matter, ſo mixed as aforeſaid, ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of his Maſteſty's cuſtoms; and if any diſpute ſhall ariſe whether there hath been mixed with ſuch oil or head matter any water, or any other material or materials whatever, not being oil or head matter ſo taken as aforeſaid, whereby the quantity of ſuch oil or head matter is increaſed, then, and in ſuch caſe, the proof thereof ſhall lie on the owner or claimer of ſuch oil or head matter, or on the perſon or perſons claiming the premium on account of the importation of ſuch oil or head matter, and not on the officer who ſhall ſeize or proſecute the ſame.

In caſe of diſpute, the owner to prove the purity of the oil.

XXII. And be it further enacted by the authority aforeſaid, That before any of the premiums granted by this act ſhall be paid or allowed to any perſon or perſons whatever, the exact quantity of oil and head matter taken together, imported in ſuch ſhip or veſſel, ſhall be truly aſcertained by the proper officer or officers of the cuſtoms, and ſuch quantity ſhall be certified by them to the commiſſioners of the cuſtoms in *England* and *Scotland* reſpectively.

Quantity imported to be aſcertained by an officer of the cuſtoms, &c. before premiums are paid.

XXIII. And be it further enacted by the authority aforeſaid, That all oil, head matter, or other produce of fiſh or creatures living in the ſeas, caught and taken in the manner and under the regulations and reſtrictions required by this act, as alſo all fins of whales, and ſkins of ſeals, ſo caught and taken, and that all oil, head matter, or other produce of whales, or other creatures living in the ſeas, fins of whales, and ſkins of ſeals, taken and caught in any part of the ocean by the crew of any ſhip or veſſel built in *Great Britain*, *Ireland*, or the iſlands of *Guernſey*, *Jerſey*, or *Man*, wholly owned by his Maſteſty's ſubjects, uſually reſiding therein reſpectively, and navigated in manner aforeſaid, ſhall, upon importation into *Great Britain*, be admitted to entry, and landed without payment of any cuſtom or duty whatever.

Oil, &c. may be imported in Britiſh ſhips duty-free.

XXIV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons who, not being ſubjects of his Maſteſty, have been heretofore employed in carrying on the ſaid fiſhery, and who ſhall have eſta bliſhed themſelves and their families in *Great Britain*, for the purpoſe of carrying on the ſaid fiſhery, in manner before-mentioned, and who ſhall ſo have carried on the ſaid fiſhery, and imported the produce thereof into *Great Britain*, for and during the ſpace of five years ſucceſſively; gi

Foreigners ſettled in *Great Britain*, who ſhall have carried on the fiſhery 5 years, naturalized on taking the oath of allegiance.

ceſſively; all which facts ſhall be aſcertained by a certificate or certificates from the proper officer or officers of his Maſteſty's cuſtoms; ſhall, upon taking the oath of allegiance to his Maſteſty, his heirs and ſucceſſors, in one of his Maſteſty's courts of record at *Weſtmiſter* or *Edinburgh*, or at the general or quarter ſeſſions of the peace where he or they reſide, be conſidered, deemed, and taken to be his Maſteſty's natural-born ſubject or ſubjects, and be intitled to all the privileges and advantages of his Maſteſty's natural-born ſubjects; which oath ſo taken as aforeſaid ſhall be enrolled by the court wherein the ſame ſhall be taken, and the record of ſuch enrolment, or a copy thereof, properly authenticated, ſhall be admitted and taken in all caſes as evidence of the fact, on the part of ſuch perſon or perſons as aforeſaid.

XXV. And be it further enacted by the authority aforeſaid, No harpooner That no harpooner, line manager, or boat ſteerer, belonging to to be im- any ſhip or veſſel, fitted out on the aforeſaid fiſhery, ſhall be preſſed. impreſſed from the ſaid ſervice, but ſhall be, and is hereby privileged and exempt from being impreſſed, ſo long as he ſhall belong to, and be employed on board any ſhip or veſſel whatever in the fiſhery aforeſaid.

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons, being proteſtants, and not being Ships belong- ſubjects of his Maſteſty, who have been heretofore employ- ing to foreign ing proteſtants, ed in carrying on the whale fiſhery, and being the owner or owners of any ſhip or veſſel, and intending to reſide, together with who may come to re- ſide in Great proteſtants, their families, in this kingdom, for the purpoſe of continuing Britain, &c. before June to carry on ſuch fiſhery from thence, ſhall, on or before the 25, 1787, to be licensed, but not entitled to pre- miums. twenty-fiſth day of *June*, one thouſand ſeven hundred and eighty-ſeven, come into this kingdom, together with his or their family or families, and ſhall bring any ſhip or veſſel, ſhips or veſſels, built before the fiſt day of *June*, one thouſand ſeven hundred and eighty-ſix, to *Great Britain*, the number of ſuch ſhips or veſſels, not exceeding forty in the whole manned with any number of ſeamen or fiſhermen not leſs than twelve, having been heretofore employed in carrying on the ſaid fiſhery in every ſuch ſhip or veſſel, and it ſhall be made appear to the ſatisfaction of the commiſſioners of his Maſteſty's cuſtoms in *England* and *Scotland* reſpectively, by the oaths (or affirmations if quakers) of ſuch owners reſpectively, (which oaths or affirmations the ſaid commiſſioners are hereby reſpectively authorized and impowered to adminiſter), and by other means that he or they, together with his or their family or families, (if any they ſhall have), are then actually reſident in *Great Britain*, and that twelve ſuch ſeamen or fiſhermen at the leaſt are brought into *Great Britain* in every ſuch ſhip or veſſel, and the ſame ſhall be certified, by the ſaid commiſſioners in *England* and *Scotland* reſpectively, to his Maſteſty, it ſhall and may be lawful for his Maſteſty, his heirs and ſucceſſors, by and with the advice of his privy council, if he ſhall ſee juſt cauſe ſo to do, to grant to the owner or owners of every ſuch ſhip or veſſel, ſhips or veſſels,

not exceeding in the whole forty in number, a licence or licences to fit out any such ship or vessel, for the sole purpose of carrying on the said whale fishery from *Great Britain*, and to employ such ship or vessel in carrying on the same; and every such ship, or vessel shall, from and after the granting of such licence as aforesaid, during the continuance of such licence, enjoy all the privileges, and advantages which now by law belong, or may at any time hereafter belong, to any *British* ship or vessel employed in the said fishery (except the premiums herein before granted); and shall be allowed to import oil, and all other produce of the whale fishery, subject to the regulations and provisions herein-before contained, and free from all duties or imposts; any law or usage to the contrary notwithstanding.

XXVII. And be it further enacted by the authority aforesaid, That if any such ship or vessel, so licensed as aforesaid, shall have been employed by such owner or owners as aforesaid, in carrying on the whale fishery from *Great Britain*, or shall be continued in carrying on such fishery, in case of his or their death, during five successive seasons, and it shall be made appear, to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, by a certificate or certificates, under the hands of the minister and churchwardens of the respective parishes in which the owner or owners of every such ship or vessel shall have resided, and by other proper means, that he or they, or his or their family or families, have been resident in such parishes respectively for the space of five years successively, and the same shall be certified by the said commissioners respectively to his Majesty; then, and in such case, it shall be lawful for his Majesty, his heirs and successors, by and with the advice of his privy council, to authorize such owner or owners to register every such ship or vessel as shall have been so brought into this kingdom, and employed as aforesaid in the whale fishery from thence for five successive seasons, by virtue of such licence as aforesaid, in like manner as if the same were a *British* ship, owned by *British* subjects, and navigated according to law; and every such owner or owners shall also, from thenceforth, in respect of every such ship or vessel, be intitled to all such bounties as are herein-before granted to *British* ships and vessels employed in carrying on the said fishery; and they, and each of them, shall have and enjoy the rights, privileges, and advantages of natural-born subjects of *Great Britain*, in like manner, and subject to the like disabilities, as the same may be granted to aliens by special acts of parliament.

In case of the death of a foreigner whose family had been resident 5 years and his ship employed the like term in the fishery. Licence to be granted her as a *British* ship, &c.

XXVIII. Provided always, That all and every owner or owners of every such ship or vessel, before he or they shall be admitted to register any such ship or vessel, shall take and subscribe the oath of allegiance to his Majesty, his heirs and successors, in one of his Majesty's courts of record at *Westminster* or *Edinburgh*, or at the general or quarter sessions of the peace holden in the place where he or they reside; which oath shall

Owner of such ship to take the oath of allegiance.

be enrolled by the court wherein the same shall be taken and subscribed, on payment of the like sum or sums to the officer or officers of such court for entering the same, as are or shall be payable by law on the entry of such oath in the courts aforesaid, in any case where the same is by law required.

Persons granting or using false certificates, forfeit goal.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatever shall knowingly give or grant any false certificate or certificates for any of the purposes required or directed by this act, such person or persons shall forfeit the sum of five hundred pounds, and be rendered incapable of serving his Majesty, his heirs or successors, in any office whatever: and if any person or persons shall counterfeit, erase, alter, or falsify any certificate or certificates required by this act, or shall knowingly or willingly make use of any false certificate or certificates, or of any certificate or certificates to counterfeit, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds; and every such certificate or certificates shall be invalid and of no effect.

How Penalties are to be appropriated.

XXX. And be it further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act (except in such cases where other directions are given by this act), shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively, where the offence shall be committed.

General issue

XXXI. And be it further enacted, by the authority aforesaid, That if any action or suit shall be commenced against any person or persons whatever, for any thing done in pursuance of this act, the defendant or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or shall discontinue his action, after the defendant or defendants hath or have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs

C A P. LI.

An act for better securing the duties on starch, and for preventing frauds on the said duties.

Preamble.

WHEREAS, notwithstanding the many laws made for securing the duties on starch, and for protecting the fair trader, many gross frauds are still frequently practised by various persons, to the great loss of the revenue, and the injury of the fair trader; for
remedy

remedy thereof, be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That from and after the twenty-fourth day of *June*, one thoufand feven hundred and eighty-fix, before any ftarch fhall be put into the ftove or any other place to dry, (except for crufting), all fuch ftarch fhall be put or wrapped in papers, and fhall be tied in manner herein-after directed; and that when any ftarch-maker fhall be delirous of papering ftarch for drying, he, ſhe, or they, fhall give to the officer for the duties on ftarch, of the divifion or diftrict where his, her, or their ftarch houfe is fited, twelve hours notice in writing, if fuch ftarch-houfe fhall be fited within the limits of the chief office of excife in *London*, or if fuch ftarch-houfe fhall be fited in any other part of *Great Britain*, twenty-four hours notice in writing, of the particular time and hour when he, ſhe, or they, intend to begin to paper his, her, or their ftarch for drying, and fhall in fuch notice exprefs the number of pieces intended to be papered, and into what particular ftove or other drying-place fuch pieces are intended to be put to dry; and in cafe fuch ftarch-maker fhall not begin to paper his, her, or their ftarch at the time and hour mentioned in fuch notice, or within one hour next after, then every fuch notice fhall be void, and fuch ftarch-maker fhall be obliged to give a freſh and like notice in writing before he, ſhe, or they fhall begin to paper his, her, or their ftarch; and when any fuch maker or makers of ftarch fhall begin to paper fuch ftarch, he, ſhe, or they fhall proceed and continue to paper the fame until all the pieces of ftarch mentioned in fuch notice fhall be papered.

From June 24, 1786, notice ſhall be given of the intention to paper ftarch for drying, and of the quantity.

Starch ſhall be begun to be papered within an hour after the time expreſſed in the notice.

II. And be it further enacted by the authority aforeſaid, That every maker of ftarch fhall cauſe every piece of ftarch, when papered, to be tied with ſtrings croſſing each other on that ſide of the piece where the ends of the paper ſhall be folded, and ſhall cauſe to be ſtrongly affixed or paſted, with warm paſte made with glue, on every piece of ftarch ſo papered and tied, a label, or piece of thin paper, three inches long and three inches broad at the leaſt, of a different colour from the paper in which the ftarch fhall be wrapped; that is to ſay, If the ftarch fhall be wrapped in blue or brown paper, the ſaid label or piece of thin paper ſhall be white; and if the ftarch fhall be wrapped in white paper, ſuch label or piece of thin paper ſhall be blue; and ſuch label or piece of thin paper ſhall be affixed on that ſide of the piece of ftarch where the ends of the paper ſhall be folded, and in ſuch manner as to prevent the opening of the ſaid paper of ftarch without tearing the ſaid label or piece of thin paper; and the officer of the duties on ftarch for the divifion or diftrict where fuch ftarch-houſe ſhall be ſited, ſhall attend and ſee fuch ftarch papered and tied in manner aforeſaid, and ſuch label or piece of thin paper affixed on every piece of fuch ftarch, and ſhall take an account of every piece of fuch ftarch; and ſuch officer ſhall cauſe every piece of ftarch ſo papered as aforeſaid to

Every paper of ftarch ſhall have a label thereon, ſtamped by the officer, on penalty of 100*l*.

be stamped or sealed upon such label or piece of thin paper aforesaid, with such stamp or seal as shall be provided by the commissioners for the duties on starch in *England* and *Scotland* respectively for that purpose, before any such piece of starch shall be put into the stove to dry; and if any starch-maker shall begin to paper his, her, or their starch without giving such notice as aforesaid, or having given such notice, and begun to paper his, her, or their starch as aforesaid, shall not proceed and continue to paper such starch in manner aforesaid, or shall not cause the same to be tied in manner aforesaid, and such labels or pieces of thin paper to be affixed thereon, as aforesaid, every starch-maker so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Every parcel, &c. of starch found unstamped, to be forfeited, and the owner fined 200l

III. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch papered, not being stamped in manner aforesaid, or any piece or pieces of starch not papered, or loose starch, or scrapings of starch, shall be found in any stove or other place for drying belonging to any starch-maker, (whether such place shall be an entered place or not an entered place), all such starch papered and not stamped, or not papered, or loose starch, or scrapings of starch, shall be forfeited, and the starch-maker, in whole possession such unstamped starch, loose starch, or scrapings, shall be found, shall forfeit the sum of two hundred pounds: provided, that nothing herein contained shall extend to pieces of starch put into the stove for crusting only before the same shall be scraped.

Commissioners for starch duties to distribute proper stamps, to be affixed without doing damage to the starch.

IV. And be it further enacted by the authority aforesaid, That the commissioners for the duties on starch in *England* and *Scotland* respectively, shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing the papers, containing all pieces of starch which shall be made and papered in *England* and *Scotland* respectively, and by this act directed to be stamped or sealed, and shall cause such stamps or seals to be distributed to the respective officers for the purpose before mentioned; which officers are hereby enjoined and required in using the same, to do no hurt or damage, or the least damage that may be, to the starch or paper containing the same to be so stamped or sealed, which stamps or seals shall and may, from time to time, be varied or altered as often as the said respective commissioners shall think fit to alter the same.

After notice given agreeable to act 25 Geo. 3. cap. 74. every

V. And, for the better preventing or discovering any frauds that may be attempted by shipping starch for exportation, in order to obtain a drawback of the duties thereupon, and afterwards relanding the same to be consumed in Great Britain, be it further enacted by the authority aforesaid, That when any starch-maker, or dealer in starch, who shall have paid all his Majesty's duties upon any quantity of starch, or shall have bought, or shall be lawfully entitled to any quantity of starch from the person or persons who actually

actually paid the said duties thereupon, shall intend to export any such starch, and shall have given such notice of packing up the same, in order to be exported, to the officer appointed for that purpose, as is required by an act, passed in the last session of parliament, intituled, *An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles*; it shall be lawful for such officer, who shall attend to see the said starch packed up, and he is hereby required to stamp or mark every paper of starch so intended to be packed up, in order to be exported, on the label or piece of thin paper herein-before directed to be affixed thereon, with such stamp or mark, having the word *Exportation* denoted thereon, as the commissioners for the said duties on starch in *England* and *Scotland* respectively shall provide and direct to be used for that purpose; and the said respective commissioners shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or marks, having the word *Exportation* denoted thereon, and shall cause the same to be distributed to the proper officers respectively for the purposes last aforesaid, which stamps or marks shall and may, from time to time, be varied or altered, as often as the said respective commissioners shall think fit to alter the same.

paper of starch for exportation to have a proper label put thereon by the officer.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such stamp or mark, which shall be provided for stamping or marking starch intended to be exported, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Persons forging any stamp to forfeit 100l.

VII. And be it further enacted by the authority aforesaid, That the said officer or officers, who shall attend to see such starch picked up in order to be exported, shall not permit to be packed up, in order to be exported, any piece or pieces of starch, not having thereon the label, or piece of thin paper, stamped as is herein-before directed, intire and unbroken; and all such starch so intended to be exported shall be subject to all the regulations required by the said act, made in the last session of parliament, concerning starch intended to be exported; provided that nothing in this act contained shall extend to starch ground into powder, commonly called *Hair Powder*, which shall at any time be intended to be exported.

No starch to be exported without a perfect label.

Act not to extend to exportation of starch made into hair powder.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch, stamped with the said stamp or mark as aforesaid, provided for stamping or marking starch intended to be exported, shall be found upon land, except in the warehouse or place where the same shall be packed up before the same shall be shipped, or in removing from thence to be put on board the ship in which

Starch stamped for exportation forfeited, if found any where but where packed up, or removing from

the fame is intended to be exported, all and every fuch piece or pieces of ftarch fhall be forfeited, and may be feized by any officer of the cuftoms or excife, or for the duties on ftarch.

IX. And be it further enacted by the authority aforefaid, That within one hour after the pieces of ftarch fhall have been papered and ftamped by the officer, all the fcrapings belonging to fuch pieces of ftarch fhall be weighed and taken account of by the officer, and fhall be put into water in frames, tubs, or other utensils, and fhall not be mixed with any other ftarch or preparation for making ftarch then in operation; and the faid fcrapings fhall be immediately diffolved, and ftained through a fieve, and being fo ftained, the officer for the duties on ftarch fhall take an account thereof as a green water, and the fame fhall not be again difturbed or meddled with, until fuch notice fhall be given for boxing the fame, as is required by an act made in the fourth year of the reign of King George the Second, intituled, *An act to prevent frauds in the revenue of excife, with refpect to ftarch, coffee, tea, and chocolate*; and another act, made in the nineteenth year of his prefent Majefty's reign, intituled, *An act for better fecurity the duties on ftarch*; and the faid fcrapings of ftarch, fo put into water and diffolved, fhall be chargeable, and fhall be charged by the proper officer with all the fame duties upon ftarch as any other ftarch, and in like manner as any other ftarch, or materials for making ftarch, are or ought to be charged with.

X. And whereas, it being required by this act that ftarch of ftarch fhould be diffolved in water, and converted into green water, it is reasonable that an allowance fhould be made for the faid fcrapings, out of the amount of the boxgage or boxgages, of which the faid fcrapings have been a part; be it therefore further enacted by the authority aforefaid, That after the fcrapings of ftarch fhall be weighed by the officer, and the faid fcrapings fhall be put into water, as by this act is required, the faid officer fhall deduct feven tenth parts of the weight of fuch fcrapings, from the amount of the boxgage of which fuch fcrapings have been a part, provided the weight of fuch fcrapings do not exceed one fifth part of the whole amount of fuch boxgage or gages; but if the weight of fuch fcrapings exceed the aforefaid proportion, yet no greater deduction fhall be made than according to the faid proportion; that is to fay, No greater deduction fhall be made, in any cafe, than feven tenth parts of one fifth part of the faid amount of the boxgage or gages; and it fhall be lawful for the officer to charge the ftarch-maker with the duties from the amount of the boxgage or boxgages, after fuch deduction fhall have been made therefrom, provided fuch amount, after fuch deduction made, fhall not be lefs than the actual weight of the ftarch, when the fame is removed from the ftove, or other drying place or places, and weighed: provided alfo, that no allowance or deduction fhall be made in cafes where the duties fhall be charged according to the gage taken in the four waters, or in the green waters, together with the flames, as directed by the faid act, made in the nineteenth

nineteenth year of his present Majesty's reign, or by this act; and in case any starch-maker shall neglect to put all such scrapings under water, and to stir the same until dissolved, and to strain the same through a sieve, within the space of one hour after the same shall have been weighed and taken account of by the officer, every such starch-maker so offending shall forfeit the sum of two hundred pounds; and in case any starch-maker shall, after such scrapings shall have been dissolved and strained into any frame, tub, or other utensil, wilfully cause the same to be disturbed, or the whole, or any part thereof, to be taken away before notice shall have been given of boxing the same, such starch-maker shall be deemed to have boxed starch without notice, and shall forfeit and lose the sum of two hundred pounds, as by the said act made in the nineteenth year of his Majesty's reign is directed; and in case any starch-maker, in order to encrease the quantity of scrapings before the same shall be weighed by the officer, shall mix therewith any starch of the same, or any other makings, or any flour, meal, or other material whatever, or wilfully cause any water, or other liquid, to be put to such scrapings, or by any means whatever cause the said scrapings to be increased in weight, such starch-maker shall, for every such offence, forfeit the sum of two hundred pounds.

Scrapings not to be taken away without notice given of boxing, nor increased in weight, on penalty of 200*l*.

XI. *And whereas it may happen that the paper wherein any piece of starch shall be contained, after the same has been stamped as aforesaid, may, in the store or other drying-place, or by taking from the stove or other drying-place, or otherwise by accident, be broken or damaged, so as to be unfit for sale; be it further enacted by the authority aforesaid, That when the paper wherein any piece of starch shall be contained, shall by any accident be broken or damaged, and the starch-maker, to whom the same belongs, shall be desirous of having the same repapered and restamped, such starch-maker shall give to the said officer for the said duties, in the division or district in which his, her, or their starch-house shall be situated, twelve hours notice in writing, if such starch-house shall be situated within the limits of the chief office of excise in London, or if such starch-house shall be situated in any other part of Great Britain, twenty-four hours notice in writing, that such starch-maker desires to have such piece or pieces of starch repapered and restamped; and thereupon it shall be lawful for such officer, being satisfied that such piece or pieces of starch had before been duly stamped, and that the paper or papers containing the same had been broken or damaged by accident, as soon as is convenient after the expiration of such twelve hours or twenty-four hours respectively, to restamp such piece or pieces of starch, the same being repapered and tied, and such label or piece of thin paper as aforesaid being affixed or pasted thereon in manner herein-before directed.*

Damaged stamps may be replaced by the officer.

XII. *And, to the end that starch made in Great Britain, and charged with the duties on starch before the commencement of this act, may not be improperly seized; be it further enacted by the authority aforesaid, That the respective commissioners for the duties*

Starch in hand to be stamped, if application be made to the commissioners within three months after commencement of this act.

on starch shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing all stock of starch in the hands of any starch-maker, and shall at all times, within three months, from the commencement of this act, at the request and desire of any such starch maker, order and direct the proper officer for the said duties to stamp or seal every piece of starch made in *Great Britain*, and charged with the said duties before the commencement of this act, and then remaining in the possession of such starch-maker, with such mark, impression, stamp, or device as to such respective commissioners shall appear most proper for that purpose, such pieces of starch being papered and tied with strings, and such label or piece of thin paper being affixed or pasted thereon, in manner herein-before directed, by the starch-maker who shall desire the same to be so marked or stamped, and oath being made by such starch-maker, or his, her, or their chief workman, that all such starch was made in *Great Britain* before the commencement of this act, and that the duties have been duly charged thereon; which oath the surveyor or supervisor of the division or district within which the starch-house belonging to such starch-maker is situated, is hereby authorised and required to administer; and all starch, so marked and stamped in pursuance of such orders and directions, shall and may be removed, sold, and disposed of, as if the same had been made since the commencement of this act, and the directions of this act fully complied with.

In three months after *June 24, 1786*, all unstamped starch above 28lb. seizable, and the owner to forfeit 10s. per lb.

XIII. And be it further enacted by the authority aforesaid, That, from and after the end of three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, all starch not being stamped as by this act is directed, and all loose starch exceeding the quantity of twenty-eight pounds weight, and all scrapings of starch which shall be found in the possession of any starch-maker, or of any other person, for the use of such maker or dealer, or that shall be found removing or removed by land or by water, shall be forfeited, and may be seized by any officer for the said duties, together with the chest, cask, sack, or other package containing the same, and the boat or vessel, horses or other cattle, waggon, cart, or other carriage, made use of in removing the same; and the starch-maker or dealer in starch, or other person receiving starch to the use of such starch-maker or dealer, in whose possession any such unstamped starch, or any such loose starch, exceeding the quantity of twenty-eight pounds weight, or such scrapings of starch, shall, after the end of the said three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, be found, shall forfeit the sum of ten shillings for every pound weight of such unstamped starch, or of such scrapings, or for every pound weight exceeding twenty-eight pounds weight of such loose starch: provided, that nothing herein contained shall extend to starch made into hair powder, or to any quantity of starch taken out of the papers in the possession of any hair powder maker, or in

Not to extend to starch made into hair powder, &c.

in the possession of any blue-maker, or to any quantity of starch taken out of the papers, not exceeding twenty-eight pounds weight, in the possession of any dealer in or seller of starch, nor to the returns from the sieves, that may be in the possession of any makers of hair powder.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any stamp or seal, to resemble any stamp or seal which shall be provided in pursuance of this act for stamping or sealing starch made and papered in *Great Britain* after the commencement of this act, or the stock of starch in the hands of any starch-maker, or shall counterfeit or resemble the impression of the same upon the papers containing starch as aforesaid, thereby to defraud his Majesty, his heirs or successors, of the duties upon starch, then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and if any person or persons shall at any time sell any starch with any such forged or counterfeited stamp or seal, or impression thereon, knowing the same to be forged and counterfeited, and with an intent to defraud his Majesty, his heirs or successors, or shall knowingly fix, or cause to be fixed, any paper, stamped according to this act, to any piece of starch, other than that which was originally inclosed in such paper, with intent to defraud his Majesty, his heirs or successors, every person so offending shall, for every such offence, forfeit the sum of five hundred pounds.

Persons forging stamps guilty of felony;

and persons using them forfeit 500l.

XV. And whereas, by the aforesaid act, made in the nineteenth year of his present Majesty's reign, intituled, An act for the better securing the duties on starch, all starch-makers are required to give such notices as in the said act are mentioned, before they begin to empty or wash out their vats, and before they begin to take off the slimes or wash from the four waters; but there is not any time limited within which such starch-makers shall finish the emptying or washing out their vats, or the taking off the slimes or wash from the four waters: and whereas there is not any time limited therein for shifting the four waters or green waters, be it therefore enacted by the authority aforesaid, That, from and after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, every maker of starch, after he shall have begun to empty or wash out his vat or vats, agreeably to the notice by the said act required, shall proceed and continue to empty or wash out such vat or vats, until the whole of such vat or vats shall be emptied or washed out, without leaving off, except for the space of one night; and every such starch-maker shall finish emptying or washing out such vat or vats, within the space of forty-eight hours, from the time of beginning to empty or wash out the same; and every starch-maker, after he shall have begun to take off the slimes or wash from the four waters, agreeably to the notice by the said act required, shall proceed and continue to shift the said four waters until the whole is finished, and shall finish the shifting the said four waters within the space of twelve hours from the

Recital of act 19 Geo. 3. c. 40.

Vats to be emptied in 48 hours, and four waters shifted in 12 hours, after beginning those operations, on penalty of 100l.

time

time of beginning to take off the said slimes or wash; and every starch-maker who shall not finish the emptying or washing out his, her, or their vat or vats, within the space of forty-eight hours from the time of beginning the same, or shall not finish the shifting the said four waters within the space of twelve hours, from the time of beginning to take off the said slimes or wash, shall, for every such offence, forfeit the sum of one hundred pounds.

Green waters to remain undisturbed 24 hours, after shifting the four waters; of which shifting a declaration is to be made, on penalty of 100l. for offence in either particular.

XVI. And be it further enacted by the authority aforesaid, That when any starch-maker shall have finished the taking off the slimes and wash from the four waters, and the green waters shall be put into the frames, tubs, or other utensils, used for preparing and making the same into starch, the said green waters shall remain unmoved and undisturbed in the same frames, tubs, or other utensils, for the space of twenty-four hours at the least from the time the shifting of the four waters shall have been finished; and the said green waters shall not, during the said space of twenty-four hours, be moved or disturbed in the said frames, tubs, or utensils: and that the officers for the duties upon starch may be able to ascertain when the said green waters were so put into the said frames, tubs, or other utensils, after the shifting of the four waters had been finished as aforesaid, every maker of starch shall give, or cause to be given, to the officer for the said duties under whose survey such maker of starch shall then be, a declaration in writing, specifying therein the particular hour or time of the day when such maker of starch did finish shifting the four waters; and if any maker of starch shall, after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, neglect to deliver such declaration last aforesaid, or shall move or disturb the green waters during the space of twenty-four hours after the shifting the four waters shall have been finished, agreeably to such declaration last aforesaid, then every such maker of starch shall, for every such offence, forfeit and lose the sum of one hundred pounds.

If starch, of which a gauge has been taken while making, is missed, the duty on it to be charged according to that gauge.

XVII. And, the better to prevent any frauds by the secreting or concealing of starch, be it enacted by the authority aforesaid, That in case any officer or officers for the duties upon starch shall at any time miss any quantity of starch, or materials for making starch, of which an account had been taken by gauge while the same was in the green waters and in the slimes respectively, and before the said starch shall have been put into the boxes, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in every such case, it shall and may be lawful for such officer or officers to charge the maker of such starch according to the gauge or gauges taken of the same in the green waters, together with the slimes, and every such maker shall pay the duty so charged.

XVIII. And whereas by the said act, made in the nineteenth year of his present Majesty's reign, it is enacted, That if any maker of starch should, at any time whilst his starch is in operation and under water, mix, or cause to be mixed, any of the starch waters of one making with those

those of another making, every such maker of starch shall forfeit and lose for every such offence one hundred pounds, except such mixing be made in presence of an officer for the duties on starch: and whereas the mixing the starch waters of one making with those of another making, although in the presence of an officer, is found to be inconvenient, inasmuch as the officer is thereby prevented having an exact gauge of the starch during its operation in the frames; to prevent the same for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, if any maker of starch shall, whilst his starch is in operation and under water, mix or cause to be mixed any of the starch waters of one making with those of another making, every such starch-maker shall forfeit and lose the sum of one hundred pounds: provided nevertheless, that slimes which shall have been entered on the officers books as slimes, for the space of twenty-four hours, may be mixed in the presence of the officer for the duties on starch, and not otherwise.

The starch waters of different makings not to be mixed, on penalty of 100l; but slimes may be mixed in presence of an officer.

XIX. And be it further enacted by the authority aforesaid, That when any starch-maker shall be desirous of removing his, her, or their starch, after the same shall be dried from the stove, every such starch-maker shall give to the officer for the said duties of the division or district where his, her, or their starch-house is situated, twelve hours notice in writing, if such starch-house is situated within the limits of the chief office of excise in London, or if such starch-house is situated in any other part of Great Britain, twenty-four hours notice in writing of the particular time and hour when he, she, or they intend to begin to remove his, her, or their starch, after the same shall be dried from the stove; and in case such starch-maker shall not begin to remove the starch from the stove, at the time and hour mentioned in such notice, or within one hour next after, then every such notice shall be void, and such starch-maker shall be obliged to give a fresh and like notice in writing before he, she, or they shall begin to remove his, her, or their starch, after the same shall be dried from the stove; and if any starch-maker shall begin to remove his, her, or their starch, after the same shall be dried from the stove, without giving such notice as aforesaid, he, she, or they so offending shall, for every such offence, forfeit and lose two hundred pounds.

Starch not to be removed from the stove, without giving notice, on penalty of 200l.

XX. And whereas by the said act made in the nineteenth year of his present Majesty's reign, (intituled, An act for the better securing the duties on starch), it is enacted, That no person or persons whatsoever, residing within the limits of the head office of excise in London, shall be permitted to make entry of any workhouse or place for the making of starch, as required by the statutes in that case already made and provided, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, she, or they shall accordingly be assessed in their own name, and shall also pay to the parish rates; and that no person or persons whatsoever residing in any other parts of the kingdom where there are rates to church and poor, shall be permitted to make any

Recital of act 19 Geo. 3. c. 40.

any such entry, unless such person or persons shall be assessed and pay to church and poor in the several parishes and places in which they respectively reside: and whereas divers evil-minded and indigent persons have made entries of workhouses, or places for the making of starch, in places where there are not rates to church and poor, and such evil-minded and indigent persons do frequently commit many gross frauds against the revenue; for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, no person or persons whatever residing in any part of the kingdom out of the limits of the head office of excise in London, and in any places where there are not rates to church and poor, shall be permitted to make entry of any work-house, or place for the making of starch, unless such person or persons shall be assessed in his, her, or their own name, and pay in the several parishes and places in which such work-house or place for the making of starch shall be situated, to the rates and duties on houses, windows, and lights, granted by an act made in the sixth year of his present Majesty's reign, (intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights*); and unless such person or persons shall also be assessed in his, her, or their own name, and pay in the several parishes and places in which such workhouse or place for the making of starch shall be situated, to the rates and duties upon inhabited houses, granted by an act made in the nine teenth year of his present Majesty's reign, (intituled, *An act for repealing the duties on all inhabited houses, imposed by an act made in the last session of parliament, and for granting to his Majesty other duties upon all inhabited houses in Great Britain, and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned*), or by any other act or acts of parliament now in force; and that no entry of any workhouse or place for making of starch, already made, or to be made, as required by the statutes in that case made and provided, in any place out of the limits of the head office of excise in London, and where there are not rates to church and poor, shall be of any avail to any person or persons not so qualified, or for any longer time than the person or persons so making entry shall be qualified as aforesaid; and every person making starch, not qualified as aforesaid, shall, notwithstanding any entry by him, her, or them made, be deemed and taken to be persons making starch without entry, and shall be subject to the like penalties and forfeitures as persons making starch without entry are by the statutes in such case made and provided now subject unto.

No entry to be allowed (in certain places) except to persons assessed to the duties granted by

act 6 Geo. 3.
c. 38; and by

act 19 Geo. 3.
c. 59.

Persons making entries, are not qualified, liable to the penalties of making starch without entry.

XXI. And whereas great quantities of starch are used in the making of stone blue, and some evil minded persons, being makers of stone blue, do in a private and clandestine manner make starch, or otherwise manufacture meal or flour for the purpose of making stone blue,

and

and thereby evade the payment of the duties upon starch, to the great loss of the revenue, and the injury of the fair trade; which mischiefs might, in great measure, be prevented, if the makers of stone blue were obliged to make entries of the places used by them for making or for keeping stone blue, or materials for making the same, and if the officers of excise were authorized to inspect such places; be it therefore further enacted by the authority aforesaid, That, on or before the twenty-fourth day of June, one thousand seven hundred and eighty-six, all and every person or persons, who now is or are, or shall then be a maker or makers of stone blue for sale, shall make a true entry in writing of his, her, or their names, and place or places of abode, together with all and every the workhouse or workhouses, and all and every other place or places whatever that shall be made use of by such person or persons for the making of stone blue, or for keeping stone blue, or materials for making stone blue, at the chief office of excise in *London*, if such person or persons now carry on, or shall then carry on, the business of making stone blue for sale within the limits of the said chief office; or if such person or persons now carry on, or shall then carry on, the said business in any other part of *Great Britain*, then at the office of excise next to the place where he, she, or they now carry on, or shall then carry on, the said business; and all and every person or persons who, after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, shall become a maker or makers of stone blue for sale, shall, before he, she, or they shall begin to make or manufacture stone blue, make a true entry in writing of his, her, or their respective place or places of abode, together with all and every the workhouse or workhouses, and all and every other place or places whatever that shall be made use of by such person or persons for the making of, or for keeping stone blue, or materials for making stone blue, at the chief office of excise in *London*, if such person or persons shall carry on the said business within the limits of the said chief office, or if such person or persons shall carry on the said business in any other part of *Great Britain*, then at the office of excise next to the place where such person or persons shall carry on the said business, on pain of forfeiting and paying the sum of fifty pounds.

Makers of stone blue to make entries of their workhouses, &c. on penalty of 50*l*.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any officer or officers of excise, or of the duties upon starch, at all times by day, at his or their request, to enter the house or houses, workhouse or workhouses, and all and every other place or places whatever belonging to, or that shall be made use of by any maker or makers of stone blue for sale, for the making of stone blue, or for keeping stone blue, or materials for making stone blue, and there to examine all and every parcel or parcels of stone blue, and to take and carry away any sample or parcel of the same, paying a reasonable price for the same, according to the price that stone blue shall then commonly bear and be sold for.

Officers may examine stone blue, and take samples thereof, paying for the same.

XXIII. And

No stone blue to be made from materials that have not paid duty, on forfeiture thereof, and also 100l.

XXIII. And be it further enacted by the authority aforesaid, That no maker or makers of stone blue for sale, shall begin to make or manufacture, or cause or procure to be begun to be made or manufactured, any stone blue from any flour, meal, or other ingredients, or materials whatsoever, (other than the materials or ingredients for colouring the same) except starch, for which all the duties due or payable in respect thereof have been first charged, on pain of forfeiting, for every such offence, all such stone blue, flour, meal, and other ingredients and materials whatsoever (other than the materials or ingredients for colouring such stone blue), together with the boxes, tubs, and vessels whatsoever containing the same, and also the sum of one hundred pounds.

Unstamped starch in possession of stone blue makers, &c. to be forfeited, and the owner fined 10s. per pound weight.

XXIV. And be it further enacted by the authority aforesaid, That if, after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, any such maker of stone blue for sale, or maker of hair powder for sale, shall receive into his, her, or their possession, any starch in papers not stamped as aforesaid, or any loose starch, or any scrapings of starch, he, she, or they so offending, shall, for every such offence, forfeit the sum of ten shillings for every pound weight of starch so received in papers not stamped as aforesaid, or of such loose starch or scrapings of starch; and all such starch in papers not stamped as aforesaid, or loose starch, or scrapings of starch, that shall be so received, or brought into the possession of such maker of stone blue, or maker of hair powder, shall be forfeited, and may be seized by any officer of excise, or of the said duties, any thing herein contained to the contrary in anywise notwithstanding; and if any such maker of stone blue, or maker of hair powder, shall keep any starch above the quantity of twenty-eight pounds in any unentered place, the same shall be forfeited, and such maker of stone blue, or maker of hair powder, shall also forfeit the sum of fifty pounds.

and if more than 25lb. be found in an unentered place, to be forfeited, and a fine of 50l.

Persons refusing officers samples of stone blue, paying for the same, forfeit 50l.

XXV. And be it further enacted by the authority aforesaid, That if any maker of stone blue for sale, upon request or demand made by any such officer or officers, as aforesaid, in the day-time, shall refuse to permit, or shall not permit such officer or officers, to enter and go into all and every the workhouse or workhouses, or all and every other place or places whatever belonging to, or that shall be made use of by him, her, or them, for the making of stone blue, or for the keeping stone blue, or any materials for making stone blue, or shall not permit such officer or officers to examine, and to take and carry away with him or them any parcel or sample of stone blue, upon his or their offering to pay for the same the price that stone blue shall then commonly bear and be sold for; every such maker of stone blue shall, for every such offence, forfeit and pay the sum of fifty pounds.

Persons molesting officers in the execu-

XXVI. And be it further enacted by the authority aforesaid, That if any person whatever shall assault, oppose, molest, or hinder any officer or officers of excise, or for the duties on starch,

in the due execution of any of the powers and authorities given and granted by this act, all and every the party or parties so offending shall, for every such offence respectively, forfeit and lose the sum of fifty pounds.

XXVII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XXVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him, her, or them, done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

C A P. LII.

An act for the more effectually preventing the fraudulent removal of tobacco, and for the ease of the fair trader; for discontinuing the discount upon payment on bonds before due, and establishing the duty to be paid upon tobacco of the growth of the British plantations; and the united states of America.

WHEREAS the several provisions for preventing the fraudulent removal of tobacco by land or water, contained in an act made in the twenty-fifth year of the reign of his present Majesty, (intituled, An act for the better securing the duties payable on tobacco), have commencement from the first day of January, one thousand seven hundred and eighty-six; notwithstanding which provisions, such tobacco as was imported before that time hath been or may be removed by land or water, otherwise than as by the said act is directed, inasmuch as the same having been imported before that time cannot be subject to the regulations prescribed by the said act: and whereas the continuance of this liberty may encourage the importers or possessors of uncustomed tobacco to pretend that the same was imported before the said first day of January, one thousand seven hundred and eighty-

Preamble.

Recital of 25
Geo. 3. c. 81.

eighty-fix, and, under that pretence, tobacco imported ſince that time, and tobacco ſtalks ſtripped, and ſnuff manufactured therefrom, may be removed otherwiſe than by the ſaid act is directed, to the great prejudice both of the publick revenue and of the fair trader: and whereas it is expedient that all ſuch tobacco as ſhall have been lawfully imported, and was ſtock in hand before that time, ſhould be ſubject and liable to all and every the ſeveral and reſpective rules, regulations, and reſtrictions, directed and contained in the ſaid herein-before recited act; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the twenty-fourth day of June, one thouſand ſeven hundred and eighty-fix, no tobacco which ſhall have been imported into Great Britain before the ſaid firſt day of January, one thouſand ſeven hundred and eighty-fix, nor any tobacco ſtalks ſtripped, nor ſnuff manufactured from tobacco ſo imported, ſhall be removed, carried, or conveyed, either by land or by water, in any other manner than as is directed by the ſaid recited act; and the ſame ſhall, in every reſpect, be under and ſubject to the ſeveral rules, regulations, oaths, and reſtrictions directed and contained in the ſaid act; and that all and each and every the fines, penalties, and forfeitures, inflicted and incurred by the ſaid recited act, on the removal of tobacco imported ſince the ſaid firſt day of January, one thouſand ſeven hundred and eighty-fix, or tobacco ſtalks ſtripped, or ſnuff manufactured from tobacco ſo imported, contrary to the ſaid recited act, and the ſeveral rewards and diſtributions therein directed, ſhall extend, and be conſtrued to extend, to all intents and purpoſes, to the removal of tobacco which ſhall have been imported into this kingdom, previous to the ſaid firſt day of January, one thouſand ſeven hundred and eighty-fix, and to tobacco ſtalks ſtripped, and ſnuff manufactured from tobacco ſo imported.

II. *And whereas, in and by the ſaid recited act, it is provided, That if any importer or proprietor of tobacco, who hath given ſecurity for the payment of the duties in eighteen months, ſhall be deſirous to diſcharge his bond or bonds, or any part thereof, in ready money, ſooner than the expiration of the ſaid eighteen months, ſo much ſhall be abated upon ſuch bond or bonds as the diſcount, at the rate of ſeven pounds per centum per annum, ſhall amount to, in proportion to the time unexpired: and whereas it is expedient that the ſaid diſcount ſhould be diſcontinued: be it therefore enacted by the authority aforeſaid, That ſo much of the ſaid recited act as provides, that if any importer or proprietor of tobacco, that hath given ſecurity as aforeſaid, for the payment of the duties in eighteen months, ſhall be deſirous to diſcharge his bond or bonds, or any part thereof, in ready money, ſooner than the expiration of the ſaid eighteen months, he ſhall be abated upon ſuch bond or bonds ſo much as the diſcount, at the rate of ſeven pounds per centum per annum, ſhall amount to, in proportion to the time unexpired, ſhall be, and is hereby repealed.*

III. *And*

From June 24, 1786, all tobacco, &c. though imported prior to Jan. 1, 1786, liable to the regulations of the recited act.

No diſcount to be allowed on diſcharge of ſecurity bonds.

III. *And whereas tobacco of the growth of the British colonies or plantations in America, or of the growth of the united states of America, imported previous to the first day of January, one thousand seven hundred and eighty-six, is subject to the payment of the duty of fifteen pence, and two hundred and thirty nine two hundred and forty-six parts of a penny, per pound weight, in case the duties are not paid down in ready money at the time of the entry of such tobacco, but the same are secured by bond, and the importers thereof are entitled to a discount after the rate of seven pounds per centum per annum, on the amount of certain of the said duties for the time unexpired in the bonds given for payment thereof: and where it would be a great hardship upon the importers of such tobacco, if they were to pay such duties; be it therefore further enacted, That no tobacco imported previous to the first day of January, one thousand seven hundred and eighty-six, and for which bond shall have been given for securing the duties payable thereupon, and which is now remaining unsold in the warehouse under the King's locks, shall be subject or liable to pay more than the duty of one shilling and two-pence, and seventy-nine eightieth parts of a penny, for every pound weight of the same, according to the weights of such tobacco, taken by the proper officers of the customs on landing of the same at the importation thereof.*

American tobacco imported prior to Jan. 1, 1786, remaining in the King's warehouse, to pay 18. 2d. and 79-80ths of 1d. per lb. duty.

IV. *Provided always, That the importer or importers of such tobacco, upon paying up the said duty of one shilling and two-pence, and seventy-nine eightieth parts of a penny, per pound weight, shall not be entitled to any discount whatsoever.*

No discount to be allowed on payment of the said duty.

V. *Provided also, That nothing herein contained shall extend, or be construed to extend, to alter in any respect the manner of appropriating the duties upon such tobacco; and that the present duties of one shilling and two pence, and seventy-nine eightieth parts of a penny, per pound weight, shall be appropriated in the same manner, and to the same branches to which such duties were applicable before the making of this act.*

Duties to be appropriated as heretofore.

VI. *And whereas tobacco, after having undergone certain kinds of manufacture, becomes known by the respective names of Carrot or Roll, Pigtail or Twisted Tobacco, and, from the nature of the manufacture, necessarily imbibes and retains a quantity of water or other ingredients, whereby the weight becomes considerably increased, and the revenue materially injured; be it enacted by the authority aforesaid, That if, upon the examination by the proper officer or officers of the customs, any carrot or roll tobacco, entered for exportation, shall be found to contain of water, or any ingredients other than tobacco, more than twelve pounds for every one hundred pounds weight; or if any pigtail or twisted tobacco, entered as aforesaid, shall be found to contain of water, or any ingredients other than tobacco, more than ten pounds for every one hundred pounds weight, all such tobacco shall be forfeited.*

Roll tobacco for exportation, containing any mixture of more than 12lb. and twisted tobacco more than 10lb. per cwt. to be forfeited.

VII. *And whereas there is a species of manufactured tobacco,*

Cut tobacco for exportation, containing more than 1-5th part stalk, forfeited.

How disputes relative to the mixture of tobacco, &c. are to be determined.

known by the name of Cut Tobacco, which ought not to contain a greater weight of stalk in proportion to the leaf than that of one pound of stalk to four pounds of leaf, which, in the natural state of tobacco, before it is so manufactured, is the usual proportion, be it therefore enacted by the authority aforesaid, That if, upon the examination by the proper officer or officers of the customs, any cut tobacco entered for exportation shall be found to contain of stalk more than the said proportion, all such cut tobacco shall be forfeited.

VIII. And be it further enacted by the authority aforesaid, That if any carrot or roll tobacco, or pigtail or twisted tobacco, shall be seized as containing more than the due proportion of water, or any ingredients other than tobacco, or if any cut tobacco shall be seized as containing more than the due proportion of stalk, and the proprietor or proprietors of such tobacco respectively, or his or their agent, shall deny that the carrot or roll tobacco, or the pigtail or twisted tobacco seized, do respectively contain more than the due proportion of water, or any ingredients other than tobacco, or that the cut tobacco does contain more than the due proportion of stalk, then, and in such case, the matter in dispute shall be referred to the determination of two indifferent persons, one of whom shall be named by the officer or officers who shall have seized the same, and the other by the said proprietor or proprietors, or his or their agent, and in case the two persons so nominated shall not agree, it shall and may be lawful for the said two persons to nominate a third person, who shall finally determine the matter in controversy: provided always, that such reference shall be made within the space of three days from the day of seizure; and that if at the end of the third day the referees, nominated as aforesaid, shall not have decided, it shall and may be lawful for the commissioners of the customs in *England*, or any four or more of them, or the commissioners of the customs in *Scotland*, or any three or more of them, respectively, or for the collector and comptroller, in any of the out-ports, as the case may be, to appoint an arbitrator, who shall finally determine the matter in dispute.

IX. And whereas there is a difference at this time existing in the monies payable upon the importation of tobacco of the growth or production of his Majesty's colonies, plantations, islands, or territories in America, or of the growth or production of the united states of America; that it is lay, Whether the duties are paid down in ready money, or when they are secured by bond: and whereas it is expedient that such difference should be abolished, and that the monies to be paid in future should, in all cases, be in amount the same as the duties which would be due and payable in case the importer or proprietor had not secured the same by bond, but had paid down the duties in ready money; be it therefore enacted by the authority aforesaid, That, from and after the twenty fourth day of June, one thousand seven hundred and eighty-six, the monies to be paid upon the importation into *Great Britain*, of tobacco of the growth of his Majesty's colonies, plantations, islands, or territories in America,

Tobacco from his Majesty's colonies in America, or the united states, liable to the same

or

or of the growth or production of the united states of America, whether the duties shall be paid down in ready money at the time of importation, or whether the same shall be secured by bond, as is now by law allowed, shall and are hereby directed to be the same which are now due and payable in the case of an importer or proprietor of tobacco paying the duties down in ready money at the time of the importation thereof, and not securing the same by bond; any law, custom, or usage to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That no discount shall be paid or allowed, nor any allowance whatever shall be made to any person or persons whatever, upon payment of any sum or sums of money in discharge of any bond or bonds already given or entered into in pursuance of the said herein-before recited act, or any other act or acts of parliament now in force, or which shall be hereafter given or entered into, in pursuance of the said herein-before recited act, before the said twenty-fourth day of June, one thousand seven hundred and eighty-six, unless the person or persons so paying the same shall, within twenty days after he or they shall have so paid the same, take the tobacco for which he or they shall have so paid such sum or sums of money out of the warehouse or warehouses belonging to his Majesty, wherein such tobacco shall have been lodged or deposited.

No discount to be allowed on bonds, entered into under recited act, unless, in 20 days after discharge, the tobacco is removed.

C A P. LIII.

An act to continue several laws relating to the giving further encouragement to the importation of naval stores from the British colonies in America; to the allowance upon the exportation of British made gunpowder; to the further encouraging the manufacture of British sail cloth; and to the duties payable on foreign sail cloth; to the granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in Great Britain, and navigated according to law; to the importing salt from Europe into the province of Quebec in America; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the permitting the free importation of raw goat skins into this kingdom; to the repealing the duties upon pot and pearl ashes, wood and weed ashes, imported into Great Britain; and for granting other duties in lieu thereof; to the registering the prices at which corn is sold in the several counties of Great Britain, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in Great Britain; and to revive and continue several laws relating to the allowing a drawback of the duties on rum, shipped as stores, to be consumed on board merchant ships on their voyages; and to the granting a bounty upon the importation of hemp and rough and undressed flax from his Majesty's colonies in America.

So much of 8 Geo. 3. c. 12. as relates to the importation of wood, timber, and lumber, from America, further continued until Sept. 29, 1792, etc. Act 4 Geo. 2. c. 29. as to gunpowder, further continued until Sept. 29, 1792. Act 9 Geo. 2. c. 37. as to sail cloth, further continued until Sept. 29, 1792. Act 12 Geo. 2. c. 30. as to sugar, further continued until Sept. 29, 1792. Act 4 Geo. 3. c. 19. further continued until June 24, 1790. Act 7 Geo. 3. c. 12. as to tallow, etc. further continued until March 25, 1788. Act 15 Geo. 3. c. 35. as to goat skins, further

continued until June 20, 1790. Act 20 Geo. 3. c. 25. as to pot and pearl ashes, further continued until May 31, 1789. Act 10 Geo. 3. c. 39. as to corn, further continued for seven years from its expiration. Act 23 Geo. 3. c. 77. as to flax and cotton manufactured in Great Britain, further continued for two years. So much of act 19 Geo. 3. c. 22. as relates to a drawback on rum shipped as stores for merchant ships, revived, and further continued until April 1, 1788. Act. 4 Geo. 3. c. 26. as to hemp and flax imported, revived, and further continued until June 24, 1806.

C A P. LIV.

An act for continuing the salaries and profits of the commissioners, clerks, and other officers of the stamp office rateable to the land tax, in Shire Lane Ward, within the division of Saint Clement Dances and Saint Mary le Strand, in the liberty of Westminster, notwithstanding the said office should be removed into any other division or place.

Act of present session, c. 3. recited. Commissioners, clerks, and other officers of the stamp duties to be assessed on the said act to the land tax for their salaries, and other profits of their places in Shire Lane Ward, though the office be removed, so that the proportion assessed in St. Clement Dances and St. Mary le Strand in 1785, be again assessed thereon, and so as any other division to which the said office may be removed, be not charged with a greater proportion, in respect of the said salaries and profits, than it was in 1785. Out of such assessment one fourth part to be paid to the collectors of the district to which the office shall be removed, and also the whole of the land tax for all additional commissioners, clerks, and other additional officers of the said duties, created since Dec. 25, 1785, or which may hereafter be created, to be applied in aid of the assessment laid on such division, &c. To be a publick act.

C A P. IV.

An act to enable the justices of the peace for the county of Middlesex to raise money, in manner therein mentioned, for erecting a house of correction within the said county.

Justices may raise money for purchasing ground, and erecting a proper and commodious house of correction thereon, with necessary conveniences, by granting annuities for lives, with or without benefit of survivorship, out of the county rates. Annuities charged upon the county rates. Grants may be transferred. The money received for the purchase of annuities, to be applied in paying for ground, and erecting buildings thereon, for the purpose aforesaid; and sitting up and furnishing the same, and the overplus to be applied in payment of the said annuities. The justices to lay a sufficient rate for the purposes of the county, and also for paying the annuities. Justices to appoint a treasurer, and to take security from him. Accounts to be kept of the receipts, and disbursements. The justices may sell, let out, or otherwise dispose of all or any part of the quakers' ground (adjoining to the present house of correction) and also the present house of correction, and the site thereof, and the premises belonging thereto, and also of any ground purchased for the same, which shall not be used for the same, or for the yards, outlets, and airing places belonging thereto. Saving to the justices the powers given by any former acts. To be a publick act.

C A P. LVI.

An act for obliging overseers of the poor to make returns, upon oath, to certain questions specified therein, relative to the state of the poor.

Preamble.

WHEREAS the great and increasing expences of maintaining and providing for the poor, within that part of Great Britain

tain called England, and the continual diftreffes of the poor notwithstanding, make it highly expedient for the legiflature to take that fubject into their moft ferious confideration: and whereas information of the ftate of the poor, and the nature of thofe expences, may be neceffary to be procured, in order to enable parliament to judge of proper remedies to redrefs thofe grievances; but it is apprehended fuch information cannot be effectually obtained without the aid and authority of parliament; may it therefore pleafe your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That a fufficient number of printed copies of this act, and alfo of the fchedule hereunto annexed, fhall, as foon as conveniently may be after the paffing hereof, be tranfmitted by *George White* efquire, one of the clerks of the houfe of commons, to the clerks of the peace of the feveral and refpective counties, ridings, divifions, precincts, fokes, franchises, liberties, cities, and towns corporate, in *England* and *Wales*; and that the faid feveral clerks of the peace fhall, and they are hereby required, with all convenient fpeed, to caufe the faid act to be diftributed among the acting juftices of the peace within their refpective limits, and alfo to caufe a fufficient number of the fchedule to this act annexed to be delivered to the high conftable, or other proper officer who hath the execution or precepts from juftices of the peace, within their refpective limits, at the *Midfummer* quarter feflions of the peace, in the year one thoufand feven hundred and eighty-fix, or as foon after as conveniently may be, and alfo to the town clerks, or other proper officers, of every city, borough, town corporate, or place, in which quarter feflions of the peace are ufually holden, fittuate in the county, riding, divifion, city, liberty, foke, franchise, town corporate, or place, for which the faid clerks of the peace, or town clerks, fhall refpectively act; and the faid clerks of the peace fhall alfo receive the answers and returns made by the overfeers of the poor, purfuant to the direftions herein-after given, and tranfmit the fame to the clerk of the parliaments with all convenient fpeed, in order that the fame may be infpected by parliament, upon pain of forfeiting, for every neglect and default, a fum not exceeding ten pounds, nor lefs than five pounds, at the difcretion of the juftice or juftices before whom complaint thereof fhall be made.

Printed copies of this act to be tranfmitted to the clerks of the peace to be diftributed among the juftices, etc.

Returns made by the overfeers to be tranfmitted to the clerk of the parliaments.

II. And be it further enacted, That the feveral juftices of the peace, within their refpective jurifdictions in *England* and *Wales*, fhall, as foon as conveniently may be after the faid *Midfummer* quarter feflion in the year one thoufand feven hundred and eighty-fix appoint a time and place, or times and places, which time or times fhall be on or before the twentieth day of *October*, one thoufand feven hundred and eighty-fix, for the overfeers of the poor of the feveral parifhes, and alfo of the feveral townfhips and places which maintain their poor feparately and diftinctly from the parifh at large within their refpective jurif-

Juftices to appoint a meeting of overfeers, between the *Midfummer* feflion and Oct. 20, 1786, to give in returns, etc.

ditions, to attend them at ſuch meeting or meetings for the purpoſes of this act, with returns and answers to the queſtions ſtated in the ſchedule to this act annexed; and two or more of the ſaid juſtices ſhall, and they are hereby required to cauſe notice thereof to be given to ſuch overſeers reſpectively, and alſo to the high conſtables, and, where there are no high conſtables, to ſuch other proper officers who have the execution of precepts from juſtices of the peace to inferior officers, within ſuch reſpective jurisdictions, requiring their attendance at ſuch meetings for the purpoſes of this act.

Juſtices, at the meeting, to receive the returns, etc. and adminiſter an oath to the overſeers, etc.

III. And be it further enacted, That the ſaid juſtices of the peace ſhall and they are hereby authorized and required, at ſuch meeting or meetings ſo to be appointed by them as aforeſaid, to receive and take the answers and returns to be made by the overſeers of the poor, purſuant to the directions aforeſaid, and then and there adminiſter to them reſpectively the oath contained in the ſaid ſchedule; and ſuch juſtices, if they ſee cauſe, may examine ſuch overſeers upon oath, touching any of the matters contained in ſuch queſtions and answers, and call for the accounts of the overſeers of the poor for each of the three preceding years, if they ſhall ſee fit, in order to explain and verify the ſaid accounts as ſhall be then made; and the ſaid juſtices ſhall then deliver ſuch answers and returns to the reſpective high conſtables or other proper officers as aforeſaid, in order that the ſame may be by them tranſmitted to the clerks of the peace or town clerks, as herein is directed.

Duty of the high conſtable preſcribed.

IV. And be it further enacted, That the ſaid high conſtables, or other proper officers within the reſpective jurisdictions aforeſaid, ſhall, at the *Midſummer* quarter ſeſſions, in the year one thouſand ſeven hundred and eighty-fix, purſuant to the directions aforeſaid, receive from the ſaid clerks of the peace or town clerks the ſaid printed ſchedules, and deliver, or cauſe to be delivered, one ſuch ſchedule to one of the overſeers of the poor of every pariſh, townſhip, or place, as well within towns corporate as without, within their reſpective limits, and, when required by the reſpective juſtices of the peace as aforeſaid, attend the ſaid reſpective meetings, and then and there receive the ſeveral answers and returns made by the overſeers of the poor, and indorſe upon the back of each of them the name of the hundred, rape, wapentake, laſhe, precinct, ſoke, franchise, liberty, city, or town corporate, wherein the ſaid pariſh, townſhip, or place, therein mentioned, is ſituate, and tranſmit the ſame, together with a true and perfect liſt of the names of the overſeers of the poor of every pariſh, townſhip, and place, to whom ſuch ſchedule had been delivered as aforeſaid, to the ſeveral clerks of the peace and town clerks, at the then next *Michaelmas* quarter ſeſſions of the peace, or adjournment thereof, (which adjournment the juſtices at ſuch quarter ſeſſions are required to make to ſome convenient day, within ſeven days after the ſaid twentieth day of *October*, in caſes where ſuch returns ſhall not be made at the *Michaelmas* quarter ſeſſions); upon pain of forfeiture, for every default

Penalty for neglect.

default and neglect in the matters aforeſaid, a ſum not exceeding ten pounds, nor leſs than five pounds, at the diſcretion of the juſtice or juſtices of the peace before whom complaint thereof ſhall be made.

V. And be it further enacted, That the overſeers of the poor of every ſuch pariſh, townſhip, and place, ſhall, and are hereby required to attend the juſtices of the peace at ſuch meeting, or meetings, and then and there deliver to the ſaid juſtices, ſigned by them, a juſt and true answer and return to the ſaid queſtions, upon oath, as before directed, and at the ſame time produce to the ſaid juſtices the aſſeſſments under which the money was collected, and the accounts of all the expences reſpecting the poor for each of the years for which ſuch returns are to be made, for their inſpection and examination; and that every overſeer, making default in any of the matters hereby required, ſhall, for every ſuch neglect and default, forfeit a ſum not exceeding ten pounds, nor leſs than five pounds, at the diſcretion of the juſtice or juſtices, before whom complaint thereof ſhall be made: and, in order to enable the ſaid overſeers to make answers and returns as aforeſaid, they are hereby authorized and empowered to call for, inſpect, and take copies of the accounts of the overſeers, for each of the ſaid years, or ſo much thereof as ſhall be neceſſary, in whoſe hands ſoever they ſhall happen to be; and every perſon or perſons, in whoſe cuſtody or power every ſuch account or accounts ſhall be, ſhall, and are hereby required to produce and deliver ſuch reſpective accounts to the ſaid overſeers, for the purpoſes aforeſaid, upon pain of forfeiting, for every default or neglect in the premiſes, a ſum not exceeding ten pounds, or leſs than five pounds, at the diſcretion of the juſtice or juſtices before whom complaint thereof ſhall be made.

Overſeers to deliver in writing, on oath, a return to the juſtices, etc.

Penalty on neglect.

Overſeers to take copies of the accounts of preceding overſeers.

Penalty on reſuſing to deliver ſuch accounts.

VI. And be it further enacted, That if any overſeer, or perſon required to make any ſuch return or returns as aforeſaid, ſhall conceal any matter or matters, directed to be enquired into by the ſaid ſchedule, or ſhall knowingly or wilfully make a falſe or imperfect return, every ſuch overſeer, or perſon ſo offending, ſhall, for every ſuch offence, forfeit the ſum of fifty pounds, to be recovered by bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*, in the counties palatine of *Lancaster*, *Cheſter*, and *Durham*, or the great ſeſſions in the principality of *Wales*.

Perſons making falſe returns, to forfeit 50l.

VII. And be it further enacted, That there ſhall be paid and allowed, for the trouble and expences of the ſeveral perſons employed in the tranſactions aforeſaid, for every return which ſhall be ſo made and tranſmitted to the clerks of the peace and town clerks reſpectively, purſuant to the directions aforeſaid, the ſums following, and no more; *videlicet*:

Fees to be allowed for each return; viz.

To the clerk of the peace, or town clerk, for the return which ſhall be made from every pariſh, townſhip, and place, the ſum of one ſhilling:

To the clerk of the peace, 1s.

High constable, 15 6d.
Overseers, 2s.

To the high constable, or other proper officer, for the like, the sum of one shilling and sixpence:

To the overseers of the poor, for the like, the sum of two shillings:

Justices
clerks, 1s.

To the clerks of the justices of the peace, for the like, the sum of one shilling:

And that the said justices of the peace, at their respective quarter sessions which shall be held next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, sokes, franchises, liberties, cities, and towns corporate.

Penalties how
to be recover-
ed and appli-
ed.

VIII. And be it further enacted, That the several forfeitures and penalties inflicted by this act shall, unless otherwise directed by this act, if not immediately paid, be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, unless the said forfeiture and charges shall be sooner paid; and the said forfeitures, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying, or being liable to pay, to such county rates.

Persons mak-
ing the oath
liable to the
penalty of
corrupt per-
jury.

IX. And be it further enacted by the authority aforesaid, That in case any person or persons shall wilfully and corruptly make a false oath touching any of the matters contained in this act, every such person so offending, and being thereof duly convicted, shall be, and is hereby declared to be, subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

S C H E D U L E.

Questions, to which, by direction of an act, paſſed in the twenty-ſixth year of the reign of his majeſty King George the Third, (intituled, *An act for obliging the overſeers of the poor, in the ſeveral pariſhes or places within that part of Great Britain called England, to make returns, upon oath, to certain queſtions ſpecified therein, relative to the ſtate of the poor,*) answers are to be returned by the overſeers of the poor of every pariſh, townſhip, and place, in writing upon oath, and ſigned by them; for which purpoſe the ſaid overſeers are to attend the juſtices of the peace within their reſpective jurisdictions, at ſuch times and places as they ſhall appoint, on pain of forfeiting, for every default or neglect, a ſum not exceeding ten pounds, nor leſs than five pounds.

Question 1ſt. What money was raiſed by aſſeſſments, for the relief of the poor, in the reſpective years ending at *Eaſter* 1783, 1784, and 1785?

2d. What number of poor received conſtant, and what number occaſional relief, during each of the ſaid three years, as near as you can aſcertain the ſame?

3d. How much was paid out of the ſaid money, in each of the ſaid three years, for expences of overſeers in journies and attendances on magiſtrates and others; and how much for entertainments at meetings of the inhabitants, on affairs relative to the poor?

4th. What payments were made out of the ſaid money for law buſineſs, and for orders, examinations, certificates, and other proceedings reſpecting the poor, in each of the ſaid three years?

5th. How much of the money collected under theſe aſſeſſments was applied for the payment of county rates, or any other, and what, purpoſes, that did not concern the poor?

6th. How much of the money ſo raiſed has been expended in providing materials and utenſils for ſetting the poor to work?

Form of the Oath referred to by this Act.

YOU ſhall ſwear, That the answer and return now made by you to the ſeveral queſtions contained in the ſchedule hereunto annexed, is a full and true answer to the ſaid queſtions, to the beſt of your knowledge, information, and belief.

C A P. LVII.

An act for the further regulation of the trial of perſons accuſed of certain offences committed in the Eaſt Indies; for repealing ſo much of an act, made in the twenty-fourth year of the reign of his preſent Maſteſty, (intituled, An act for the better regulation and management of the affairs of the Eaſt India company, and of the Britiſh poſſeſſions in India, and for eſtabliſhing a court of judicature for the more ſpeedy and effectual trial of perſons accuſed of offences committed in the Eaſt Indies), as requires the ſervants of the Eaſt India company to deliver inventories of their eſtates and effects; for rendering the laws more effectual againſt perſons unlawfully reſorting to the Eaſt Indies; and for the more eaſy proof, in certain caſes, of deeds and writings executed in Great Britain or India.

WHEREAS, by an act, made in the twenty-fourth year of his Maſteſty's reign, intituled, An act for the better regulation and management of the affairs of the Eaſt India company, and of the Britiſh poſſeſſions in India; and for eſtabliſhing a court of judicature for the more ſpeedy and effectual trial of perſons accuſed of offences committed in the Eaſt Indies, divers provisions were made and enacted for the more effectually prosecuting and bringing to ſpeedy and condign puniſhment the crime of extortion, and other miſdeemeanors, committed in the Eaſt Indies by Britiſh ſubjects, in the ſervice of his Maſteſty, or of the ſaid company; and particularly for conſtituting a ſpecial court of judicature for the trial of any information, to be exhibited in his Maſteſty's court of king's bench, againſt ſuch offenders, under and by virtue of a commiſſion, to be awarded under the great ſeal of Great Britain, directed to four members of the houſe of peers, fix members of the houſe of commons, and three of the judges of his Maſteſty's courts of law at Weſtmiſter, ſuch members and judges to be ſelected and choſen in the manner preſcribed by the ſaid act; and the ſaid ſpecial commiſſioners, to be ſo conſtituted by ſuch commiſſion, or any ſeven or more of them, (of whom one of the ſaid three judges was to be one), were, by the ſaid act, inveſted with full power and authority to hear and determine every ſuch information, and to pronounce judgement thereon, according to the effect of the judgement at common law, upon convictions had and obtained according to the courſe of the common law, for extortion or other miſdeemeanor: and whereas the ſelection of the members of the ſaid reſpective houſes of parliament, for the purpoſes aforeſaid, may be rendered more eaſy and convenient: and whereas it is judged expedient, that, inſtead of ſeven, not leſs than ten commiſſioners to be conſtituted

Preamble.
Recital of act
24 Geo. 3.
c. 25.

*constituted by such commission as aforesaid, should have authority to hear and determine any such information, and, for that purpose, that a greater number of members of each house of parliament, than is directed by the said act, should, together with the said three judges, be named and authorised as commissioners in and by such commission: and whereas it is also expedient, that, for giving greater vigour and efficacy to the proceedings and judgements of the said special commissioners, further regulations should be provided and established: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the members of the house of lords, by the said act directed to be named by the said house for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, anything in the said recited act contained to the contrary notwithstanding; (that is to say), That, within the first thirty sitting days of the house of lords in every future session of parliament, the members of the said house, or any of them, may respectively deliver in at the table, lists inclosed in covers, sealed up, and having the words *East India Judicature*, and their respective names or titles of honour, by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper hand writing; every such list containing the names or titles of twenty-six peers; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the parliaments, or his deputy or assistant, or such other person as the said house shall direct, shall prepare and lay upon the table of the said house a list of the names or titles of the lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said house, the said covers shall be opened by the clerk of the parliaments, or his deputy or assistant, or such other person as the said house shall direct, by the order of the speaker of the said house, during the sitting of the said house, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said house to a committee, who shall examine the same, and within such time as the said house shall direct, report to the house the name or title of every lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act, the members of the said house, or any of them, may, on any of the next seven sitting days of the said house, deliver in fresh lists in covers sealed up, and indorsed in the manner herein-before directed, each of such lists containing a number of names or titles of members of the said house, equal to that number by which the list returned by the committee shall, exclusively of the members struck out as aforesaid,*

Within the first 30 sitting days of every session, lists of 26 names to be delivered in sealed up, by the members of the upper house, from which shall be selected 26 peers;

ſaid, ſhall ſhort of twenty-fix; and the ſaid covers ſhall be opened, and the liſts diſpoſed of, referred, and proceeded upon after the end of the ſaid ſeven days, in the manner herein-before directed in reſpect to the ſaid former liſts.

II. And be it further enacted by the authority aforeſaid, That the members of the houſe of commons, to be named by that houſe for the purpoſes aforeſaid, ſhall be choſen, nominated, and appointed in the manner following, and no otherwiſe, any thing in the ſaid recited act contained to the contrary notwithstanding; (that is to ſay), That within the firſt thirty ſitting days of the ſaid houſe in every future ſeſſion of parliament, the members of the ſaid houſe, or any of them, may reſpectively deliver in at the table liſts, incloſed in covers, ſealed up, and having the words *Eaſt India Judicature* , and their reſpective names, indorſed on the outside thereof, in their reſpective proper hand writing, each of which liſts ſhall contain the names of forty members of the ſaid houſe; and that, on the firſt ſitting day after the expiration of the ſaid thirty days, the clerk of the ſaid houſe, or his deputy or aſſiſtant, or ſuch other perſon as the houſe ſhall direct, ſhall prepare, and lay upon the table, the names of all the members who ſhall have delivered ſuch liſts; and that on the next ſitting day of the ſaid houſe, the clerk of the ſaid houſe, or any or either of ſuch other perſons as aforeſaid, ſhall, at the table, during the ſitting of the ſaid houſe, by the order of the ſpeaker, take the liſts out of the ſaid covers, and put the ſaid liſts together into a box; and the ſaid liſts ſhall be immediately referred, by the ſaid houſe, to a committee, who ſhall examine the ſame, and within ſuch time as the houſe ſhall direct, report to the houſe the name of every member whoſe name ſhall appear in twenty or more of the ſaid liſts; and if the names ſo returned ſhall not amount to forty at the leaſt, excluſively of ſuch of the ſaid members therein named as ſhall be ſtruck out of the ſaid liſts according to the directions of this act, the members of the ſaid houſe, or any of them, may, on any of the next ſeven ſitting days of the ſaid houſe, deliver in at the table of the ſaid houſe freſh liſts, in covers, ſealed up and indorſed in the manner herein-before directed, each liſt containing a number of names of members of the ſaid houſe equal to that number by which the liſt returned by the ſaid committee ſhall, excluſively of ſuch of the ſaid names as ſhall be ſo ſtruck out, ſhall ſhort of forty, and the ſaid liſts ſhall be opened, diſpoſed of, referred, and proceeded upon, after the end of the ſaid ſeven days, in the manner herein-before directed in reſpect to the ſaid former liſts: and the like order and courſe reſpectively as aforeſaid ſhall be taken in each houſe of parliament, until the ſaid numbers of twenty-fix members of the houſe of lords, and forty members of the houſe of commons, ſhall have been returned to the ſaid reſpective houſes, by the committees to whom the ſaid liſts ſhall be referred, excluſively of ſuch of the members ſo returned as ſhall be ſtruck out of the ſaid liſts according to the directions of this act.

and in the ſame period, like liſts of 40 commons to be delivered in, from which ſhall be ſelected 40 members.

Persons hold-
ing offices
under the
crown, dur-
ing pleasure,
&c. to be
struck out of
the lists.

III. Provided always, and be it enacted, That if any of the persons named in any of the lists returned by the said respective committees, shall appear to hold any civil office of profit under the crown, during his Majesty's pleasure, or to be, or to have been, a commissioner for the affairs of *India*, or to be, or to have been, a director of the said company, or to hold, or to have held, any office or employment in the service of the said company in *India*, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective houses of parliament.

Mode of deli-
vering in of
lists left to the
houses of par-
liament, if
that proposed
be found in-
convenient.

IV. Provided also, and be it further enacted, That if the delivery of the said lists at the tables of the respective houses of parliament, in the manner directed by this act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said Houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing herein-before contained to the contrary notwithstanding.

The party ac-
cused may
challenge 13
peers and 20
commoners
contained in
the lists, as
the names are
drawing by
lot in the pre-
sence of the
judges, ac-
cording to the
recited act.

V. And be it further enacted, That the names of the twenty-six peers and forty members of the house of commons, which shall have been so chosen by the said respective houses of parliament, or the names of the twenty-six peers and forty members of the house of commons, which (in case the said lists of both or either of the said houses shall happen to contain a greater number of members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said act directed, shall be put into a box, to be drawn by lot, in the presence of the judges, to be appointed according to the directions of the said recited act, and of the parties to the information to be tried, or their counsel or agents: and the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers, and twenty of the members or the house of commons, whose names shall have been put into the said box; and his Majesty's attorney general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice: and the first five names of the said peers, and likewise the first seven names of the said members of the house of commons, which being drawn out shall not be so challenged, or against whom

Prosecutor
may challenge
the same
number.

The first five
peers, and the
first seven

whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, who shall cause the said five peers, and the said seven members of the house of commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited act, and of this present act; and the persons who shall be so named and authorised in and by the said commission, shall appear within ten days, at the time and place to be appointed by the said three judges, and shall then and there take the following oath, before the lord high chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, for the time being, or any one of them :

commoners, whose names shall be drawn out, and not challenged, to be, with the three judges, appointed special commissioners.

I A. B. do swear, That, as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C. D. I will diligently attend such trial, and that I will hear and determine the same to the best of my judgement, according to the evidence which shall be given.

Commissioners oath.

So help me GOD.

VI. And be it further enacted, That if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five peers and seven members of the house of commons respectively, then, and in such case, the said three judges shall forthwith certify the same to the speakers of the respective houses of parliament, who shall lay the same before the said houses respectively; and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six members of the house of lords, and forty members of the house of commons, after the manner and course aforesaid, the lists of which said respective members, so chosen and appointed, shall be transmitted to the clerk of the crown in his Majesty's high court of chancery, or his deputy, and be inserted in a new commission, to be issued in the manner herein-before and in the said former act directed: provided always, That no day on which the house of commons shall have adjourned, for want of the presence of a sufficient number of members to execute the provisions of the several acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in parliament, shall be accounted one of the sitting days of the said house, for any of the purposes of this act.

If challenger reduce the number to less than five peers and seven commons, new lists to be made out.

VII. And be it further enacted, That the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law, upon convictions had and obtained.

Power of the commissioners.

tained according to the courſe of the common law, for extortion, or other miſdemeanor, and alſo to declare the party ſo convicted incapable of ſerving the King's majeſty, his heirs or ſucceſſors, or the ſaid united company, in any capacity whatever; and ſuch judgement ſo pronounced by the ſaid ſpecial commiſſioners as aforeſaid, upon ſuch information, ſhall be good and effectual, and ſhall be concluſive, to all intents and purpoſes; and no *Cer-tiorari* ſhall be granted for removing the proceedings of the ſaid ſpecial commiſſioners, on ſuch information, into any court whatever; and the proceedings of the ſaid ſpecial commiſſioners ſhall not be impeached, or the validity thereof queſtioned, in any action or ſuit, or other proceeding, in any court of law or equity.

Ten commiſſioners competent to act.

VIII. Provided always, and be it enacted, That all and every the powers and authorities given and granted by the ſaid recited act, and by this preſent act, unto the ſaid ſpecial commiſſioners, ſhall and may be executed by or before any ten or more of them (of whom one of the ſaid three judges ſhall always be one); and that no act done or executed by or before the ſaid commiſſioners, unleſs ten or more of the ſaid commiſſioners (of whom one of the ſaid three judges ſhall be one) ſhall be preſent at the doing or executing thereof (ſave and except in the particular caſes herein-after ſpecially provided) ſhall be valid or effectual; any thing in the ſaid former act contained to the contrary notwithstanding.

Majority to determine, and the preſident to have a caſting vote.

IX. Provided alſo, and be it further enacted, That whenever the ſaid ſpecial commiſſioners ſhall not concur in opinion, upon any queſtion or matter to be decided by or before them, every ſuch queſtion or matter ſhall be determined by the greater number of the ſaid commiſſioners who ſhall be then preſent, ſo that the number of commiſſioners then preſent be not leſs than ten as aforeſaid; and if the ſaid commiſſioners ſhall at any time be equally divided in opinion, on any queſtion or matter depending before them, the judge then ſitting as preſident ſhall have two voices, or the caſting vote.

If by death, or otherwiſe, the number ſhould be reduced under ten, a new commiſſion to be made out.

X. And be it further enacted, That if any of the ſaid ſpecial commiſſioners ſhall depart this life, or be excuſed from attending in the manner by this act directed, before the ſaid commiſſion ſhall have been fully executed, ſo that there ſhall not be a ſufficient number of commiſſioners to proceed in the due execution of ſuch commiſſion, according to the true intent and meaning of this act; or if all the ſaid three judges ſhall happen to die, or be excuſed from attending in the manner by this act directed, whiſt the ſaid commiſſion ſhall be depending; then, and in either of ſuch caſes, and from thenceforth, the ſaid commiſſion, and the force and effect thereof, ſhall ceaſe, and a new commiſſion ſhall be awarded for hearing the matter of ſuch information, for which ſuch former commiſſion was iſſued, and the trial of ſuch information ſhall begin *de novo*; ſave only and except with reſpect to the examinations or depoſitions of any witneſſes (if any) which ſhall have been taken in writing under the

said former commission, which examinations or depositions shall and may be received and admitted as evidence under such new commission.

XI. And be it further enacted, That the said special commissioners shall severally attend in court during the whole trial for which they shall be appointed as aforesaid, and none of the said commissioners shall in any-wise absent himself from the same (except as hereafter is provided); and the said court shall at no time proceed in the said trial until all the said special commissioners, not having obtained such leave of absence, or not having been excused as herein-after is provided, shall be met and assembled; and if the said special commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent commissioner or commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the special commissioners who shall be then present, before the said commissioners shall proceed to any other business; and if it shall not be made appear, to the satisfaction of the said commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a peer of the realm, then upon his honour) that such absent commissioner or commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the special commissioners then present, or the major part of them, to pass such censure upon such commissioner or commissioners who shall have been so absent, as they shall think fit, and also to impose upon such commissioner or commissioners respectively, for such neglect of duty, or upon any commissioner or commissioners who shall depart from the said court during the sitting, and before an adjournment thereof, such fine or fines as the said commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three judges, into the court of exchequer, and the like process shall be awarded by the said court of exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said court of exchequer; and the said special commissioners shall also have full power and authority to order or declare, that any commissioner or commissioners, who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such commission.

Commissioners to attend during the whole trial, unless absent by leave.

If all do not meet, the majority present may adjourn.

Cause of absence to be enquired into.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

XII. Provided always, and be it further enacted, That it shall and may be

granted to
commiſſion-
ers, who, how-
ever, are diſ-
qualified.

and may be lawful for the ſaid commiſſioners, or the greater number of them, to grant leave of abſence to any of the ſaid commiſſioners, upon proof, to their ſatisfaction, of ſickneſs or other urgent occaſion; and ſuch of the ſaid commiſſioners who ſhall obtain leave of abſence as aforeſaid, and ſhall accordingly be abſent during any part of ſuch trial, ſhall be no longer capable of acting under ſuch commiſſion; any thing contained in the ſaid former act, or in this act, to the contrary notwithstanding.

During a trial
the com-
miſſioners not
to adjourn for
more than 24
hours, except
on occaſions
herein ſpeci-
fied.

XIII. Provided alſo, and be it further enacted, That after the trial of any information ſhall have commenced and been begun by and before the ſaid ſpecial commiſſioners, the ſaid commiſſioners ſhall ſit every day, *Sunday, Chriſtmas-day, and Good Friday*, only excepted; and the ſaid commiſſioners ſhall never adjourn for a longer time than twenty four-hours, unleſs a *Sunday, Chriſtmas-day, or Good Friday*, ſhall happen to intervene, in which caſe their adjournment ſhall not exceed twenty-four hours, excluſive of ſuch *Sunday, Chriſtmas-day, or Good Friday*: provided alſo, That if the number of the ſaid ſpecial commiſſioners capable of acting in the execution of ſuch commiſſion, according to the directions of this act, ſhall, by death or otherwiſe, be reduced to ten, and any of ſuch ten commiſſioners ſhall be prevented by ſudden accident, or by neceſſity, from attending ſuch trial, the ſaid other commiſſioners, or the greater number of them, ſhall and may, at their diſcretion, adjourn and ſuſpend the proceedings upon ſuch trial, from time to time, as circumſtances may require, ſo that any ſuch adjournment ſhall not exceed three days, and the number of ſuch ſucceſſive adjournments ſhall not, in the whole, exceed ten adjournments; any thing herein-before contained to the contrary notwithstanding.

Commiſſion-
ers may ap-
point clerks,
&c. who may
be removed,
&c.

XIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid ſpecial commiſſioners to conſtitute and appoint ſuch clerks, tipſtaffs, meſſengers, and other officers, to attend upon them in the execution of their ſaid commiſſion, and to do and perform all ſuch matters and things as ſhall be ordered or given to them in charge by the ſaid commiſſioners, as the ſaid commiſſioners ſhall think fit; and ſuch ſeveral clerks and other officers ſhall be diligently attendant upon, and ſubject and obedient to the ſaid commiſſioners, and may be ſuſpended, removed, or diſcharged, or be puniſhed by fine or fines, to be impoſed by the ſaid commiſſioners, for any neglect of duty or diſobedience, at the diſcretion of the ſaid commiſſioners; which fines ſhall be eſtreated into his Maſteſty's court of exchequer, by one or more of the ſaid three judges, and ſhall and may be levied and recovered, for his Maſteſty's uſe, by the proceſs of the ſaid court; and all and every of ſuch clerks and other officers ſhall be paid, by the parties informant or informants, and defendant or defendants, named in ſuch information, the ſame or the like fees and allowances as the reſpective officers attendant upon his Maſteſty's court of king's bench, upon trials of informations for miſdemeanors proſecuted in the ſaid court, are entitled to receive from the parties thereto, reſpectively, according to the ſtatutes

How clerks,
&c. are to be
paid.

and

and duties of ſuch officers reſpectively.

XV. And be it further enacted, That whenever an information ſhall be exhibited in the ſaid court of king's bench, againſt any perſon or perſons, for the crime of extortion, or other miſdemeanor, committed in the *East Indies*, in every ſuch caſe, upon a certificate from the coroner and attorney of our lord the king, (commonly called *The Clerk of the Crown* in the court of king's bench, or *The Maſter of the Crown Office* in the ſaid court), or any or either of his ſworn clerks in the ſaid office, that ſuch information hath been filed, (which information, in caſe the ſame ſhall be filed when the court of king's bench ſhall not be ſitting, ſhall be conſidered as filed on the laſt day of the preceding term), it ſhall and may be lawful to and for the lord chief juſtice, or any of the other judges of the ſaid court, at the inſtance of ſuch proſecutor or proſecutors, to iſſue his warrant, under his hand and ſeal, directed to all ſheriffs, mayors, bailiffs, conſtables, and other peace officers, and to ſuch other perſon or perſons as ſhall be named for that purpoſe by ſuch proſecutor or proſecutors, for apprehending and attaching the party or parties defendant or defendants to ſuch information; and if ſuch party or parties ſhall eſcape or go into, reſide, or be in any place within that part of *Great Britain* called *Scotland*, it ſhall and may be lawful for the ſheriff or ſteward depute or ſubſtitute, or any juſtice of the peace of the county or place into which ſuch party or parties ſhall eſcape or go, or in which he or they ſhall reſide or be, to indorſe his name on the ſaid warrant; which warrant ſo indorſed ſhall be a ſufficient authority to all perſons to whom ſuch warrant was originally directed, and alſo to all ſheriffs officers, ſtewards officers, conſtables, and other peace officers of the ſaid county or place, by the ſheriff, ſteward depute or ſubſtitute, or juſtice of the peace whereof ſuch warrant ſhall be ſo indorſed, to execute the ſaid warrant in the ſame county or place, by apprehending the party or parties againſt whom ſuch warrant ſhall have been granted, and to convey and bring ſuch party or parties in ſafe cuſtody before the ſaid court of king's bench, or before the lord chief juſtice or any of the judges of the ſaid court, to be further dealt with according to the directions of the ſaid former act, and this preſent act.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the party or parties againſt whom any ſuch information ſhall be exhibited as aforeſaid, (not being attached), to ſurrender himſelf or themſelves in the ſaid court of king's bench at any time during the ſitting of the ſaid court, to be dealt with according to the directions of the ſaid former act, and this preſent act, or if the ſaid court ſhall not be ſitting, unto the ſaid lord chief juſtice, or any other of the judges of the ſaid court; and that when and ſo often as any ſuch party or parties ſhall ſurrender himſelf or themſelves out of court as aforeſaid, or ſhall, during any vacation, or when the ſaid court ſhall not be ſitting, be attached and brought before the ſaid lord chief juſtice, or other judge, under any warrant or attachment iſſued by virtue of

Court of king's bench may iſſue out warrants for apprehending perſons accuſed of extortion, etc. in the *East Indies*.

Parties informed againſt to be committed, or to find bail.

the faid former act or this prefent act, the faid lord chief juftice, or other judge, fhall and may order fuch party or parties to ftand committed to the prifon of the *Marfhalsea*, or to the tower of *London*, or to the gaol of *Newgate*, at the difcretion of the faid lord chief juftice or other judge, there to be detained until he or they fhall be delivered by due courfe of law, or until he or they, together with two fufficient fureties, fhall have entered into a recognizance unto the King's majefty, his heirs and fucceffors, in fuch fum of money, and with fuch condition for his appearance, and for fubmitting to the judgement to be pronounced in and upon fuch information, as the faid lord chief juftice, or other judge, fhall, in his difcretion, order and direct. Provided always, That it fhall and may be lawful for the faid commiffioners to order any perfon in cuftody, under the provifions of this act, to be from time to time brought up and remanded in fuch manner as to the faid commiffioners fhall feem meet.

Mode of proceeding when parties abfcond.

XVII. And be it further enacted, That when and fo often as any party or parties, againft whom any fuch information as aforefaid fhall be exhibited, fhall not be attached, or fhall not have furrendered as aforefaid, and proof fhall be made, by any affidavit or affidavits, to the fatisfaction of the faid court of king's bench, that fuch party or parties is or are beyond the fea, or that, upon enquiry at his or their ufual place or places of abode, or laft known place or places of refidence in *Great Britain*, he or they could not be found, and that there is juft ground to believe that fuch party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwife abfcond, to avoid being attached to answer the matters charged in and by fuch information; then, and in fuch cafe, the faid court fhall and may make a rule or order, directing and appointing fuch party or parties to furrender himfelf or themfelves in the faid court, or to the lord chief juftice, or one of the other judges of the faid court, at a certain day in and by fuch rule or order to be limited and expreffed, at the difcretion of the faid court; and a copy of fuch rule or order fhall, within twenty days after the making thereof, be inferted three feveral times in the *London Gazette*; and another copy of fuch rule or order fhall, within the time aforefaid, be affixed in fome conspicuous and publick place in the *India houfe*: and if the faid party or parties fhall not furrender himfelf or themfelves refpectively, according to the tenor of fuch rule or order, within the time therein to be limited for that purpofe, or within fuch further time as the faid court fhall appoint or direct (which the faid court is hereby impowered to do, on application being made on the behalf of fuch party or parties, if the faid court fhall fee caufe), then, on proof being made of the publication of fuch rule or order in manner aforefaid, it fhall and may be lawful for his Majefty's attorney general, or other profecutor, by rule and leave of the faid court (which rule and leave the faid court is hereby impowered to grant) to caufe an appearance, and the plea of not guilty, to be entered for fuch party or parties charged by the faid information;

and

and the faid information fhall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

XVIII. Provided always, and be it further enacted, That in all cafes where the plea of not guilty fhall be entered for the party or parties defendant or defendants to any information, by the profecutor or profecutors thereof, by virtue and according to the direCTIONS of this act, it fhall be fufficient, in order to the hearing and determining of fuch information, for fuch profecutor or profecutors to give fourteen days notice of the day appointed for the trial thereof, by advertifement in the *London Gazette*; any law, ufage, or practice, to the contrary notwithstanding.

Notice of trial to be given.

XIX. And be it further enacted, That if any party or parties charged by any fuch information as aforefaid, fhall make default in his or their perfonal appearance, at the pronouncing of judgement, in the matter of fuch information, by and before the faid fpecial commissioners; it nevertheless fhall and may be lawful for the faid commissioners to pronounce judgement upon fuch information, in the fame manner as if the faid party or parties was or were perfonally prefent; and every fuch judgement fhall be as valid, effectual, and conclufive, to all intents and purpofes whatever, as if the faid party or parties had been perfonally prefent at the pronouncing thereof; any law or ufage to the contrary notwithstanding.

Judgement to be pronounced by the commissioners, though the parties do not appear.

XX. And be it further enacted, That whenever the party or parties charged by any fuch information fhall perfonally appear before the faid fpecial commissioners, on the hearing or trial thereof, it fhall and may be lawful to and for the faid fpecial commissioners, at any time during the courfe of fuch trial, to order fuch party or parties to ftand committed to the prifon of the *Marfhalsea*, or to the tower of *London*, or to the gaol of *Newgate*, at the difcretion of the faid fpecial commissioners, there to be detained until judgement fhall be pronounced in the matter of the faid information, unlefs he or they fhall be previoufly delivered or difcharged by the rule or order of the faid commissioners.

Parties during trial may be committed.

XXI. And be it further enacted, That if any perfon or perfons fhall be guilty of any contempt or difturbance in the court of the faid commissioners, during the fitting of the court, it fhall and may be lawful to and for the faid commissioners to order fuch perfon or perfons to be taken into cuftody, by any officer or officers to be appointed by the faid commissioners to attend the faid court, and to ftand committed to the prifon of the *Marfhalsea*, or the gaol of *Newgate*, at their difcretion, to be there kept for fuch time as the faid commissioners fhall order and direct.

Disturbance of the court may alfo be committed.

XXII. And be it further enacted, That the judgements which fhall be made and pronounced by the faid fpecial commissioners, according to the direCTIONS, and under the authority of the faid recited act, and this prefent act, fhall, when and fo foon as the faid judgements and other proceedings fhall have been delivered over, by the register to the faid commissioners, to the clerk of

Judgements of the commissioners to be executed by the court of king's bench, and to be final.

the crown in the faid court of king's bench, otherwife called *The Coronor and Attorney of our Lord the King, or The Mafter of the Crown Office* in the faid court), in the manner directed by the faid former act, be executed and enforced by the authority of the faid court of king's bench, and fuch proceedings to outlawry, and other proceedings, againft the feveral and refpective defendants thereto, fhall and may be had thereon, in the like manner as, according to the courfe and praftice of the faid court, may be had upon judgement made and pronounced by the faid court; and the judgements of the faid fpecial commiffioners fhall be final and conclufive, to ail intents and purpofes whatever, and fhall not be arrefted, defeated, reverfed, or avoided, or liable to be arrefted, defeated, reverfed, or avoided, for or by reafon or means of any error, defect, or want of form in any fuch judgement, or in the information whereon the fame fhall be given or pronounced, or in the award of any procefs thereon, or in the record of the iffue for the trial thereof; any law, ftatute, or uſage to the contrary notwithstanding.

This, or the recited act, not to deprive perfons of any right they are entitled to by law, etc.

XXIII. Provided always, and be it further enacted and declared, That nothing in the faid recited act, or in this prefent act contained, fhall extend, or be conftrued to extend, to deprive the profecutor or profecutors of any fuch information as aforeſaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of praftice of the court of king's bench, fuch profecutor or profecutors, defendant or defendants, is or are, or would, could, or might have been intitled, upon any other information of a like nature, depending in the faid court of king's bench, before iffue in fact joined therein: nor to prevent or reſtrict the faid court of king's bench from exerciſing any fuch power or authority as would, could, or might have been legally exerciſed by the faid court of king's bench, in the matter of any fuch information, before iffue in fact joined therein, if the faid former act, or this prefent act, had not been made; any thing in the faid former act, or this prefent act, contained to the contrary notwithstanding.

Mode of proceeding where demurrers are entered.

XXIV. Provided alfo, and be it further enacted, That if the party or parties charged by any fuch information as aforeſaid, fhall enter a demurrer to fuch information, and fuch demurrer fhall be over-ruled by the faid court of king's bench, fuch party or parties fhall, within eight days next after the faid court fhall have given judgement on fuch demurrer, unlefs a writ of error fhall be brought thereon, and then within eight days next after fuch judgement fhall be affirmed, or fuch writ of error fhall be nonproſ'd, enter the plea of not guilty to fuch information, or, in default thereof, the faid plea of not guilty fhall and may be entered, for and in the name or names of fuch party or parties, by his Majeſty's attorney general, or other profecutor; and the faid information fhall proceed in the like manner as if no demurrer had been entered thereto; any law, or the uſage or praftice of the faid court, to the contrary notwithstanding.

XXV. Pro-

XXV. Provided alfo, and be it further enacted and declared, That if his Majesty's attorney general, or other profecutor or profecutors of any fuch information, fhall be defirous of having the fame proceeded in, tried, and determined in the faid court of king's bench, and fhall move the faid court for that purpofe, then, and in every fuch cafe, the faid court fhall grant a rule or order for retaining fuch information in the faid court, and the faid information fhall be accordingly retained by the faid court of king's bench, and fhall be heard, tried, adjudged, and determined by the faid court of king's bench, in fuch and the fame manner, to all intents and purpofes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the faid court, in cafe the faid former act or this prefent act had not been made; any thing in the faid former act or this prefent act contained to the contrary notwithstanding.

Informations may be determined in the court of king's bench.

XXVI. And be it further enacted, That whenever the party or parties, againft whom any fuch information fhall have been exhibited as aforefaid, fhall be adjudged to pay a fine or fines to his Majesty, his heirs or fucceffors; and alfo whenever any recognizance or recognizances entered into under the faid former act or this prefent act, fhall become forfeited, the faid court of king's bench, or, in cafe the faid court fhall not be then fitting, the lord chief juftice of the fame court, fhall and may forthwith, at the inftance of his Majesty's attorney general, or other profecutor, deliver to the lord chief baron, or any other of the barons of the court of exchequer, an eftreat of the fine or fines, recognizance or recognizances, fo adjudged or become forfeited refpectively as aforefaid; and the faid lord chief baron, or other of the faid barons, fhall thereupon, at the requifition of the faid attorney general, or other profecutor, authorife and direct the proper officer of the fame court to award, and fuch officer fhall accordingly forthwith award, under the feal of the fame court, one or more fpecial writ or writs of *extendi facias* and *capias*, or other fpecial procefs, againft the faid party or parties adjudged to pay fuch fine or fines, or the principal or principals, and fureties, in fuch recognizance or recognizances refpectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into fuch county or counties, cities, places, or liberties, to the proper fheriffs, or other officers of the fame refpectively, for the due execution thereof, as the faid attorney general, or other profecutor, fhall defire or require in that behalf; and if fuch party or parties, or fuch principal or principals, and fureties, or any of them, fhall have, or be feized or poffeffed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, eftate, or effects, fuate, lying, or being within that part of *Great Britain* called *Scotland*, or fhall be refident in that part of the faid united kingdom, then, and in either of fuch cafes, his Majesty's court of exchequer in *Scotland*, or, when the faid court fhall not be fitting, the lord chief baron, or any other of the barons of the faid court of exchequer

How fines, etc. are to be recovered.

in *Scotland*, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same court, or delivered to the said lord chief baron, or any other of the barons of the same court, from and under the seal of the court of exchequer in *England*, or under the hand and seal of the lord chief baron, or any other of the barons thereof, (and which copy or transcript the said court of exchequer in *England*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the same court, is and are hereby required, at the instance of his Majesty's attorney general, or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said attorney general, or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of *Great Britain* called *Scotland*, for recovery of debts due to the crown.

Mode of re-
covering fines
from property
in the East In-
dies, when the
effects in Bri-
tain are insuf-
ficient.

XXVII. And be it further enacted, That if it shall at any time be made to appear, to the satisfaction of the said court of exchequer in *England*, at the instance of his Majesty's attorney general, or other prosecutor, by motion in the said court on his or their behalf, that such party or parties, principal or principals, or sureties, as aforesaid, or any of them, have no lands, tenements, or other estate or effects in *Great Britain*, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines, respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects, within any of the *British* possessions in the *East Indies*, respectively, (the said sum or sums, fine or fines, not being paid and satisfied), then, and in every such case, the said court of exchequer shall and may, by rule or order of the said court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said court, or to be otherwise attested, as the said court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the barons of the said court, directed to the supreme court of judicature in *Bengal*, and to the mayor's courts at *Madras* and *Bombay*, or to any or either of the said courts, as the case shall or may require; and the same shall be delivered by the said barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose; which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come), shall deliver such transcript or transcripts to one of the judges of the said supreme court, or mayor's courts, respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said barons (or in what other manner the same came into his or their hands), and that the same

same hath not, or have not, been opened or altered since he or they so respectively received the same, (which oath any of the said judges of any of the said courts in India are hereby authorised and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said courts in India to which the same shall be so directed, as the case may require; and, upon motion to be made in such courts or court for that purpose, for and on the behalf of such prosecutor, or prosecutors, the like process and proceedings shall and may, from time to time, be awarded and had, by and in the said supreme court of judicature, and the said mayor's courts at Madras and Bombay, respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdictions of such respective courts in the East Indies, as might or could have been awarded or had in the said court of exchequer in England, against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties, in England; and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

XXVIII. And whereas it is by the said recited act enacted, That in all cases of informations laid or exhibited, by virtue of the said act, in the court of king's bench, for misdemeanors or offences committed in India, it shall be lawful for the said court to award a writ or writs of mandamus to the chief justice and judges of the supreme court of Fort William, or the judges of the mayor's court of any of the British settlements in India, as the case may require, who are thereby respectively authorised and required accordingly to hold a court for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and sent to his Majesty, in his court of king's bench, closed up, and under the seals of two or more of the judges of the said supreme court, and that one or more of the judges of the said supreme court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's court of king's bench, in the publick office, and make oath that he received the same from the hands of one or more of the judges of such court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: and whereas a doubt may arise, whether such examinations as may be taken by the judges of the mayor's court in any of the British settlements in India, by force and virtue of the said act, may be lawfully sent, closed up, under the seals of the same judges, and whether any one or more of the same judges is or are empowered to deliver the same to the agent or agents of the party requiring the same; be it therefore enacted, That every examina-

Recital of act
24 Geo. 3. c.
25, sect. 88.

Examinations
tion in India to be

ſealed up and given to the agents of the parties, to be delivered to the clerks of the king's bench.

tion which ſhall or may be had or taken by the judges of the mayor's court of any of the *British* ſettlements in *India*, by force and virtue of the ſaid act (being reduced into writing, as in the ſaid act is directed or mentioned) ſhall be ſent to his Maſteſty, in his court of king's bench, cloſed up, and under the ſeals of two or more of the judges of the mayor's court of any of the *British* ſettlements in *India*, and one or more of the judges of the ſame court ſhall deliver the ſame to the agent or agents of the party or parties requiring the ſame; which ſaid agent or agents (or, in caſe of his or their death, the perſon into whoſe hands the ſame ſhall come) ſhall deliver the ſame to one of the clerks of his Maſteſty's court of king's bench, in the publick office, and make ſuch or the like oath as is in and by the ſaid act directed and preſcribed; any thing in the ſaid act contained to the contrary notwithstanding.

Perſons reſident in *India* amenable to the courts there.

XXIX. And be it further enacted, That as well the ſervants of the ſaid united company, as all other of his Maſteſty's ſubjects reſident or to be reſident in *India*, ſhall be, and are hereby declared to be amenable to the courts of oyer and terminer and gaol delivery, and courts of general or quarter ſeſſions of the peace, in any of the *British* ſettlements in *India*, for all murders, felonies, homicides, manſlaughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings, oppreſſions, treſpaſſes, wrongs, and other miſdemeanors, offences, and injuries whatſoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the countries or parts of *Aſia*, *Africa*, or *America*, beyond the *Cape of Good Hope*, to the *Streights of Magellan*, within the limits of the excluſive trade of the ſaid united company, whether the ſame ſhall have been done, committed, or perpetrated, or ſhall hereafter be done, committed, or perpetrated, againſt any of his Maſteſty's ſubjects, or againſt any other perſon or perſons whatever.

Governor, etc. of Fort Saint George, etc. to have juſdiction in all matters civil and criminal.

XXX. And be it further enacted and declared, That the governor or preſident and council of *Fort Saint George*, for the time being, in their courts of oyer and terminer and gaol delivery, and quarter or general ſeſſions of the peace, and alſo the mayor's court at *Madras*, according to their ſeveral and reſpective judicatures, ſhall have cognizance and juſdiction, as well civil as criminal, over all *British* ſubjects whatſoever, who now reſide or ſhall hereafter reſide within any of the forts, factories, towns, lands, or territories, in the poſſeſſion of the ſaid united company, on the coaſt of *Coromandel*, or in any other part of the *Carnatic*, or in the five northern circars, including thoſe parts of the ſaid circars which lie within the kingdom or province of *Orixa*, or within any of the dominions or territories of the ſoubah of the *Deccan*, the nabob of *Arcot*, or the rajah of *Tanjore*.

So much of recited act as relates to delivery of in-

XXXI. And be it further enacted, That ſo much of the ſaid recited act as requires or directs any perſon or perſons now being, or who may hereafter be, in the ſervice of the ſaid united company

company in *India*, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed.

ventories of effects, etc. repealed.

XXXII. And whereas sundry acts of parliament have been heretofore made, and are now in force, for securing the whole, sole, and exclusive trade in, to, and from the East Indies, and all places between the Cape of Good Hope and the Streights of Magellan, to the said united company, by which said acts, or some of them, the offenders against the same are made subject and liable to divers punishments, forfeitures, and penalties in the said acts respectively mentioned, which offences may be prosecuted, and the said forfeitures and penalties sued for and recovered, in some or one of his Majesty's courts of record at Westminster: and whereas it may be necessary and proper, in certain cases, that the said offences should be prosecuted, and the said forfeitures and penalties sued for and recovered, in the courts of justice in the East Indies: be it therefore enacted, That all offences which shall be committed after the first day of *January*, one thousand seven hundred and eighty-seven, against any law now in force for securing the exclusive trade in, to, and from the East Indies, and places aforesaid, to the said united company, and all forfeitures and penalties to be incurred after the said first day of *January*, one thousand seven hundred and eighty-seven, for illicitly trading or for being in the East Indies, or doing any other act against the said laws or statutes, or any of them, shall and may be prosecuted, sued for, and recovered in the supreme court of judicature at *Fort William* in *Bengal*, or in the respective mayor's courts of *Fort Saint George* and *Bombay*, in like manner as the same can or may be prosecuted, sued for, and recovered in any of his Majesty's courts of record at Westminster; and it shall and may be lawful for the said respective courts in the East Indies to pass and give the like judgement, in such prosecutions, actions, and suits, as might be passed and given, for the like matter, cause, or thing, in any of his Majesty's courts of record at Westminster, and to carry such judgements into execution, and to order any offender or offenders, after conviction for any such offence, to be sent and conveyed to *Great Britain*; any thing contained in any of the said acts to the contrary notwithstanding.

From Jan. 1, 1787, offences against the laws for securing the East India trade may be tried in the East Indies.

XXXIII. And be it further enacted, That when any ship, vessel, goods, merchandize, or other effects, shall be seized in the East Indies, or other parts within the limits of the said company's exclusive trade, under the authority or for the use of the said united company, for or by reason of any forfeitures incurred, or suggested to have been incurred, by the owner or owners

Causes of seizure may be determined in the East Indies.

owners

owners thereof, under any of the laws or ſtatutes aforeſaid, it ſhall and may be lawful to and for the ſaid ſupreme court, or either of the ſaid mayor's courts, to hear and determine the cauſe of ſuch ſeizure, or any matter of complaint concerning the ſame, and to proceed to condemnation or reſtoration of the property and effects ſo ſeized, and to give judgement thereon, and to carry ſuch judgement into execution in like manner as his Maſteſty's court of exchequer could or might have done, if ſuch ſeizure had been made in any port or place in England; any law or ſtatute to the contrary notwithstanding.

Persons whose
licences have
expired, ſub-
ject to the
penalties of
unlicensed
persons.

XXXIV. And whereas doubts have ariſen, whether ſuch perſons reſident within the limits of the ſaid company's excluſive trade, whoſe licences ſhall have expired, or who ſhall have ceaſed to be employed in the ſervice of the ſaid company, are ſubject to the ſeveral regulations, provisions, penalties, and forfeitures, by any act or acts of parliament made or impoſed touching ſuch perſons as ſhall go to, traffick, trade, or adventure in, or be or be found within the limits aforeſaid, contrary to the prohibitions and reſtrictions in the ſaid ſeveral acts contained; be it enacted by the authority aforeſaid, That all and every perſon and perſons whoſe licence or licences to go to, or trade, traffick, or reſide within, the limits aforeſaid, ſhall have ceaſed and determined, or who ſhall have been diſmiſſed from, or reſigned the ſaid company's ſervice, and ſhall be found within the limits aforeſaid after ſuch time as ſhall be allowed by the governor and council of the reſpective preſidencies in India wherein ſuch perſon or perſons ſhall be found, ſhall be deemed and taken, to all intents and purpoſes, to be ſubject to all the provisions, regulations, penalties, and forfeitures by any act or acts made or impoſed upon any perſon or perſons who ſhall repair, ſail, or go to, or traffick, trade, or adventure in, or be or be found in any place within the limits aforeſaid, without licence having been obtained from the ſaid company, or without having been in the ſaid company's ſervice.

Powers of
ſeizing, etc.
unlicensed
perſons and
ſhips, may be
exerciſed by
the governor,
etc. of Bengal,
etc.

XXXV. And be it further enacted, That the powers and authorities in and by the ſaid acts, and every or any of them, given, granted, or provided, for taking, arreſting, ſeizing, reſmitting, ſending, or bringing to England, any perſon or perſons being in the Eaſt Indies, or in the limits or parts aforeſaid, contrary to the provisions of the ſaid acts, or of this act, and for ſeizing any ſhips, veſſels, goods, or effects, made liable to ſeizure by the ſaid company by any law now in force, ſhall and may be enforced and put in execution by, or by the order and authority of the governor general and council of Bengal, or the preſident and council of Fort Saint George and Bombay, reſpectively, or by any reſident at any other of the Britiſh ſettlements in the Eaſt Indies, for the time being, reſpectively, or by, or by the order and authority of the company's council of ſupercargoes for the time being, at the town or factory of Canton, within the ſaid town or factory, and upon the river of Canton, and by ſuch other perſon or perſons as ſhall, from time to time, be ſpecially deputed and authorized for that purpoſe by the court

court of directors of the said company for the time being, in the name of the said company.

XXXVI. Provided always, nevertheless, and be it enacted and declared, That no person now being in the *East Indies*, or other parts within the limits of the company's exclusive trade, and who shall not have had notice given to him, by the order or authority of the said court of directors, or by the governor general and council of *Fort William*, or the governor or president and council of *Fort Saint George* or *Bombay*, before the passing of this act, to remove or withdraw himself from the said parts and limits, shall, before the first day of *January*, one thousand seven hundred and eighty-eight, be liable to be arrested, seized, or brought to *England*, under the authority of this act, on account of his going to, or trading, trafficking, residing, or being found in the *East Indies*, or parts aforesaid, without licence or other lawful authority in that behalf; so the intent that every such person may have a reasonable time to settle and adjust his private affairs; any thing in this act, or in any other act, contained to the contrary notwithstanding: provided also, That it shall and may be lawful to and for the governor general and council of *Fort William*, and the governor and council of *Fort Saint George* and *Bombay*, and the resident at *Fort Marlborough*, within their respective presidencies or limits, to grant licences, in their discretion respectively, under their hands and seals, to any of his Majesty's subjects now resident, in the presidencies or places aforesaid, for permitting such subjects respectively, or any of them, to remain and continue to trade or reside within the said presidencies, or other places aforesaid, (such person or persons not being, by reason of his or their holding any office or employment, offices or employments, or in any other manner, disabled, or prohibited from trading in the *East Indies*, or parts aforesaid, by any act or acts now in force), for any term not exceeding two years, to be computed from the first day of *January*, one thousand seven hundred and eighty-seven, the persons receiving such licences first entering into the like covenants as are usually entered into by persons licensed by the said company, or such other reasonable covenants as shall be directed by the court of directors of the said company for the time being; and that all and every of such licences shall be of the same force and effect, during the term for which the same shall be so lawfully granted, (unless the same shall be sooner revoked by the said court of directors, or by the governors and councils of the said respective presidencies in *India*, who are hereby authorized, in their discretion, to revoke and determine the same), as if such licences had been granted under the seal of the said company; any thing in this act, or in any former act, contained to the contrary notwithstanding.

Persons to whom notice to remove has not been given, may continue in the *Indies* till Jan. 1, 1788.

Governors, etc. may grant licences for two years from Jan. 1, 1787.

XXXVII. And be it further enacted, That if any suit or action shall be brought or commenced against the said company, or any of their servants, or against any persons acting by their

General issue.

their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to *England*, of any person or persons found in the *East Indies*, or other parts aforesaid, within the limits of the said company's exclusive trade, or as not being authorised to reside or traffick there, the defendant or defendants to such suit or action shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declaration or declarations in such suits or actions, the person or persons so arrested or seized was or were in the military or marine service of the King's majesty, his heirs or successors, or was or were under covenant to serve the said company in *India*, or was or were duly possessed of a licence or licences in writing, authorising him or them to go to or reside and traffick in *India*, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being so seized or arrested, entitled or authorised, by the stipulations of such covenants or licences respectively, to remain and continue in *India*, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become nonsuited, or wherein judgement shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision, to the contrary notwithstanding.

Treble costs.

XXXVIII. *And whereas great difficulties, expence, and delay, often arise in giving proof in Great Britain, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the East Indies; and the like difficulties, expence, and delay, also arise in giving proof in the East Indies, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in Great Britain; for remedy thereof, be it enacted, That whenever any bond, or other deed or writing, executed in the East Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the courts of justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand writing or hands writing of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution*

Bonds executed in the East Indies shall be evidence in Britain, and contrariwise, on proof of the hand writing of the parties.

execution of the same, respectively, is or are of the proper hand or hands writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the *East Indies*; and, in like manner, all courts of justice in the *East Indies* shall admit the like proof of the execution of bonds and other deeds and writings executed in *Great Britain*, and witnessed by any person or persons resident in *Great Britain*: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

XXXIX. And be it further enacted, That this act shall be Publick act. deemed and taken to be a publick act, and shall take place and have commencement in *Great Britain*, immediately after the Commence- same shall have received his Majesty royal assent; and shall take ment thereof. place and have commencement in and throughout the *East Indies*, and parts within the limits of the exclusive trade granted to the said company, from the first day of *January*, one thousand seven hundred and eighty-seven.

C A P. LVIII.

An act for procuring, upon oath, returns of all charitable donations, for the benefit of poor persons, in the several parishes and places within that part of Great Britain called England.

WHEREAS it is proper that the legislature, who are direct- Preamble.
ing inquiries into the state and condition of the poor, should be informed of the several charitable donations for the use and benefit of poor persons; which information cannot be effectually obtained without the aid and assistance of parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a sufficient number of printed copies of this act, and also of the schedule hereunto annexed, shall, as soon as conveniently may be after the passing hereof, be transmitted, by *George White* esquire, one of the clerks attending the house of commons, to the clerks of the peace of every county, riding, division, city, liberty, foke, franchise, town corporate, and place, having clerks of the peace, in *England* and *Wales*; and that the said several clerks of the peace shall, and they are hereby required, with all convenient speed, not exceeding fourteen days after receiving the same, to cause a sufficient number of the schedule to this act annexed to be delivered, together with a printed copy of this act, to every high constable, or, where there shall be no high constable, to such other proper officer who hath the execution of precepts from justices of the peace within such respective jurisdictions, and also to the town clerks or other proper officers of every city, borough, town corporate, or place, in which quarter sessions of the peace are usually

Printed copies of this act to be transmitted to the clerks of the peace, to be distributed amongst the high constables, etc.

Returns made
by the mini-
ſters and
churchwar-
dens to be
transmitted to
the clerk of
the parlia-
ments.

Duty of the
high conſta-
bles, etc. pre-
ſcribed.

uſually holden, ſituate within the county, riding, diſviſion, city, liberty, ſoke, franchise, town corporate, and place, for which the ſaid clerk of the peace or town clerk ſhall reſpectively act; and the ſaid clerks of the peace and town clerks ſhall, and are hereby required to receive the ſame, and alſo to receive the answers and returns to be made by the miniſters and churchwardens, or other perſons, purſuant to the directions herein-after given: and the ſaid town clerks and other officers ſhall, as ſoon as conveniently may be after receiving the ſaid answers and returns, ſubſcribe and deliver the ſame to the ſaid ſeveral clerks of the peace from whom they received the ſchedule; and the ſaid ſeveral clerks of the peace ſhall tranſmit ſuch answers and returns to the clerk of the parliaments, with all convenient ſpeed, in order that the ſame may be inſpected by the parliament, upon pain of forfeiting, for every neglect or default, a ſum not exceeding ten pounds, nor leſs than five pounds, at the diſcretion of the juſtice or juſtices before whom complaint thereof ſhall be made.

II. And be it further enacted, That the ſaid high conſtables, town clerks, or other proper officers ſo deſcribed as aforeſaid, ſhall receive from the ſaid clerks of the peace the ſaid acts and printed ſchedules, and ſhall, within ſeven days after the receipt thereof, attend two or more of the juſtices of peace acting within their reſpective limits, with ſome of the ſaid printed ſchedules, and at the ſame time produce, ſhew, and deliver to each of ſuch juſtices one of the ſaid printed acts and ſchedule, in order that they may appoint a convenient time and place for the meeting herein-after directed; and the ſaid juſtices are hereby required to appoint the ſame, and to ſign the precept contained in the ſaid ſchedule, as herein-after mentioned; and the ſaid high conſtables, or other proper officers, after receiving ſuch precept, ſhall fill up the blank in the precept, in every ſchedule, directing the time and place of the meeting, in like manner as they ſhall be appointed and filled up by the ſaid juſtices, and ſhall, with all convenient ſpeed, deliver, or cauſe to be delivered, one or more of ſuch ſchedule to the rector, vicar, or officiating miniſter, and alſo to the churchwarden or churchwardens, chapelwarden or chapelwardens, in every pariſh, townſhip, or place, within their reſpective limits, and in places where there are no miniſter, churchwarden, or chapelwarden, to the overſeer or overſeers of the poor for ſuch pariſh, townſhip, or place, if any, and if there ſhall be no ſuch overſeer, to ſome ſubſtantial houſholder reſiding within the ſame, and ſhall alſo deliver to every ſuch miniſter one of the printed copies of this act; and the ſaid high conſtables, or other proper officers, ſhall ſubſcribe their names at the foot of the precept contained in the ſaid ſchedule, under the words there written for that purpoſe, before they deliver the ſame; and ſhall attend the ſaid reſpective meetings ſo to be appointed by the juſtices, and then and there produce the ſaid act, and receive the ſeveral answers and returns made by the miniſter and churchwarden, or other perſon before deſcribed, and indorſe upon the back of each of them the
name

name of the hundred, riding, division, rape, wapentake, lathe, precinct, foke, franchise, liberty, city, or town corporate, wherein the said parish, township, or place, therein mentioned, is situate, and transmit the same, together with a true and perfect list of the names of the minister and churchwarden or chapelwarden, overseer and householder, of every parish, township, and place, to whom such schedule had been delivered by them respectively as aforesaid, to the several clerks of the peace, at the then next *Michaelmas* quarter sessions of the peace, or the adjournment thereof, (which adjournment the justices at such *Michaelmas* quarter sessions of the peace are required to make to some convenient day within one calendar month after such *Michaelmas* quarter sessions, in cases where any such return shall not be made at the said *Michaelmas* quarter session); and every such high constable, or other proper officer, shall forfeit, for every default or neglect in the premises, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

III. And be it further enacted, That the several justices of the peace, within their respective jurisdictions, to whom such schedule shall have been delivered as aforesaid, shall, as soon as conveniently may be after receiving the same, and seeing the act, appoint a time and place, or times and places, (which time or times shall be before the fifteenth day of *October*, one thousand seven hundred and eighty-six), for the rector and vicar, or, in their absence, for the officiating minister and churchwarden or chapelwarden, or for the overseer or substantial householder, where there shall be no churchwarden or chapelwarden as aforesaid within their respective jurisdictions, to attend them at such meeting or meetings for the purposes of this act, with returns and answers to the questions stated in the said schedule; and two or more of the said justices shall, and are hereby required to cause notice in writing to be given of such meeting to such minister, and churchwardens or chapelwardens, overseers, or householder, respectively, by their precept, as hereinbefore directed, twenty-eight days at least before the day to be appointed for such meeting, requiring their attendance at such meeting for the purposes of this act; which precept shall be in the form or to the effect contained in the said schedule.

IV. And be it further enacted, That the minister and churchwarden, chapelwarden, overseer, or householder, as aforesaid, of every such parish, township, and place, shall, and are hereby required to attend the justices of the peace at such meeting or meetings, and then and there deliver to the said justices in writing, signed by them, upon oath, a just and true account of all charitable donations which have been, according to the best of their knowledge and information, given, by deed or will, for the benefit of poor persons, within their respective parishes or places, distinguishing, as far as they are able, by whom, when, and in what manner, and for what purpose, given; likewise,

Justices to appoint a day prior to Oct. 15, 1786, for the attendance of ministers and churchwardens.

Ministers, etc. at such meeting to give in a written return upon oath.

whether such respective donations were in land or money, and in whom now vested, and what is the annual produce thereof, respectively; by way of answer and return to the said questions, as before directed.

Justices to receive returns, etc. and administer an oath to the minister, etc.

V. And be it further enacted, That the said justices of the peace shall, and they are hereby also required, at such meeting or meetings to be appointed by them as aforesaid, to receive and take the answers and returns to be made by the minister and churchwardens, or chapelwardens, overseers, and householders, respectively, pursuant to the directions aforesaid, and then and there administer to them respectively the oath contained in the said schedule; and such justices, if they see cause, may, and they are hereby authorised to examine such minister, churchwarden, chapelwarden, overseer, and householder, respectively, upon oath, touching any of the matters contained in such questions and answers; and the said justices shall then deliver such answers and returns to the respective clerks of the peace, or town clerks, pursuant to the directions aforesaid, in order that the same may be transmitted to the clerk of the parliaments, as is herein directed.

Penalty on ministers, etc. for neglect.

VI. And be it further enacted, That every minister and churchwarden, or chapelwarden, overseer, or householder, as aforesaid, making default in any of the matters hereby required, shall, for every such neglect or default, forfeit a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Act to be read at the Midsummer quarter sessions wherever holden, and in every parish church the Sunday next after July 31, 1786.

Penalty on persons not making a discovery of lands or money in their hands, left for charitable purposes, prior to Sept. 30, 1786.

VII. And be it further enacted, That this act shall be publickly read, in open court, at the next *Midsummer* quarter sessions of the peace, in every county, riding, division, city, liberty, soke, franchise, town corporate, and place, where any general quarter sessions of the peace shall be holden, and also by the officiating minister, in every parish church or chapel in that part of *Great Britain*, called *England*, the first Sunday on which divine service shall be performed after the thirty first day of *July*, one thousand seven hundred and eighty-six, immediately after such service; and that in case any person or persons seised or possessed of any land or money which had, at any time before the said thirty-first day of *July*, been conveyed or given, by deed or will, to or for the use or benefit of any poor person or persons, shall wilfully neglect to make discovery thereof, on or before the thirtieth day of *September* now next ensuing, to the minister, churchwarden, chapelwarden, overseer or householder, of the parish or place where the persons live who are the objects of such charity, he, she, or they so neglecting shall forfeit, for every such neglect, a sum equal to one half of the value of the land or money so given as aforesaid, to be recovered by action, bill, plaint, or information, in any of His Majesty's courts of record at *Westminster*, in the courts of great session in *Wales*, or in the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*; one moiety of the said penalty or forfeiture to go to the

the informer, or person suing for the same, and the other moiety to his Majesty, his heirs and successors, for such uses and purposes as he or they shall in their great wisdom direct.

VIII. And be it further enacted, That there shall be paid Fees to be allowed for each return. and allowed, for the trouble and expence of the several persons employed in the transactions aforesaid, for every return which shall be so made and transmitted to the clerk of the peace pursuant to the directions aforesaid, the sums following, and no more; *videlicet*:

To the clerk of the peace, for the return which shall be made from every parish, township, or place, the sum of one shilling: To the clerk of the peace, 1s.

To the high constable, town clerk, or other proper officer, for the like, the sum of one shilling and sixpence: High constable, &c. 1s. 6d.

To the clerk of the justices of the peace, for the like, the sum of sixpence. Justices clerk, 6d.

And that the justices of the peace, at their respective quarter sessions which shall be holden next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, fokes, franchises, liberties, cities, towns corporate, or places, herein-before mentioned.

IX. And be it further enacted, That the several forfeitures and penalties inflicted by this act, where the method for recovering thereof is not hereby particularly directed, if not immediately paid, shall be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any), after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, nor less than six calendar months, at the discretion of such justice, unless the said forfeitures and charges shall be sooner paid; and the said forfeitures and charges, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying or being liable to contribute to such rates.

X. And be it further enacted, That in case any person shall wilfully and corruptly make a false oath, touching any of the matters contained in this act, and be thereof duly convicted, he shall be, and is hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are liable to. Persons making false oaths liable to the penalties of corrupt perjury.

S C H E D U L E

Questions, to which answers are to be returned, by virtue of an act, passed in the twenty-sixth year of the reign of his majesty King George the Third, intituled, *An act for procuring returns, upon oath, of all charitable donations, for the benefit of poor persons, in the several parishes or places within that part of Great Britain called England.*

Question the 1st. What charitable donations have been given, by deed or will, for the benefit of poor persons, within your parish [or place]; by whom, when, in what manner, and for what particular purpose, were they given, to the best of your knowledge, information, and belief?

Question the 2d. Were the said respective donations in land or money; in whom are they now vested, and what is the annual produce thereof respectively, to the best of your knowledge, information, and belief?

Form of the Oath.

YOU shall swear, That the answers and return now made by you, to the questions contained in the schedule hereunto annexed, are full and true answers to the said questions, to the best of your knowledge, information, and belief.

The RETURN to be annexed to the schedule, and indorsed by the high constable, town clerk, or other proper officer, receiving returns from the justices: Thus;

ANSWERS returned to the questions in the schedule annexed, from the parish [or place] of _____ in the hundred [rape, wapentake, lathe, precinct, soken, franchise, liberty, division, city, town corporate, or place] of _____ [as the case may be] the _____ day of _____

ANSWERS to the First Question.

Name of the Person who gave the Charity.	When given.	Whether by Will or Deed.	For what Purpose given.

ANSWERS

ANSWERS to the Second Question.

Whether in Land or Mo- ney.	In whom now vested.	Amount of in Money.			Annual Produce.		
		£.	s.	d.	£.	s.	d.

PRECEPT to the high constable, *etc.* [as the case shall be] appointing a day and place for taking the answers and returns, and requiring the attendance of the minister and churchwardens, *etc.*

County, *etc.* } To the constable [or town clerk, *etc.*] of
of } [or] within the hundred, [division, liberty,
to wit. } city, or town, as the case may be] of in the
- - - } said county, *etc.* [as the case shall be].

IN order to carry into execution an act, made in the twenty-sixth year of the reign of his majesty King George the Third, for procuring returns, upon oath, of all charitable donations given by deed or will, for the benefit of poor persons, in the several parishes and places within that part of Great Britain called England, you are hereby required, with all convenient speed, to give, or cause to be given, notice to the rectors and vicars, or officiating ministers, churchwardens, and chapelwardens, of every parish within your district aforesaid; and, in places where there shall be no officiating minister, churchwarden, or chapelwarden, to the overseer or overseers of the poor; and if no overseer, to some substantial householder of such place, by delivering to each of them a printed copy of the schedule to the said act, with the time and place for the meeting filled up in the precept as herein appointed, that they are required to appear at on the day of next, at the hour of

in the forenoon, then and there to deliver, upon oath, a just and true account of all charitable donations given by deed or will, for the benefit of poor persons, within their respective parishes and places, distinguishing, as far as may be, by whom, when, and in what manner, and for what purpose, given; likewise, whether such respective donations were in land or money, and in whom they are now vested, and what is the annual produce thereof respectively, on pain of forfeiting a sum not exceeding ten pounds, nor less than five pounds, for every neglect or default.

default. Given under our hands, the day of in
the year of our Lord

The above precept contains the notice I am directed to give you.

[Here the officer, required to give the notice, is to subscribe his name.]

N.B. The high constables, town clerks, or other proper officers before they deliver the schedule, are required to fill up the blanks which shew the appointment of the day and place for the meeting, in the manner they are filled up by the justices who signed the precept.

The following list, when made out, must be signed by the high constable, &c.

List of the names of the minister and churchwardens or chapelwardens, overseers, and householders, [as the case shall be], of every parish, township, or place, to whom I have delivered the schedule, pursuant to the directions of this act.

C A P. LIX.

An act for repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commissioners of excise.

Preamble.

Recital of 18
Geo. 2. c. 9.
and

WHEREAS by an act, made in the eighteenth year of the reign of his late majesty King George the Second, (intituled, An act for granting to his Majesty several additional duties upon all wines imported into Great Britain, and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the said additional duties), it was enacted, That, from and after the twenty fifth day of March, one thousand seven hundred and forty five, ever and above all subsidies of tonnage and poundage, and all other subsidies and impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon the exportation afterwards; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ten of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the third year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry, and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties),

Act 3 Geo. 3.
c. 12; and

duties), it was enacted, That, from and after the thirty-first day of March, one thousand seven hundred and sixty-three, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and other impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon re-exportation afterwards; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the eighteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was enacted, That, from and after the twentieth day of April, one thousand seven hundred and seventy-eight, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards whatsoever, or any drawback upon re-exportation afterwards, except as therein-after was provided; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds and eight shillings, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds and four shillings, and so after that rate for any greater or lesser quantity: and whereas, by virtue of another act, made in the nineteenth year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty several additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on French wine and other wines as aforesaid; and also by another act, made in the twentieth year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was enacted, That, from and after the tenth day of May, one thousand seven hundred and eighty, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due and payable for all wines imported into Great Britain by any act or acts of parliament then in force, there should be raised, levied, collected and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any dis-

Act 18 Geo. 3
c. 27; and

Act 19 Geo. 3.
c. 25; and

Act 20 Geo. 3.
c. 52; and

Act 22 Geo. 3.
c. 66.

count or deduction inwards whatsoever; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity; and that the said additional duties thereby granted should be also subject and liable to an additional impost or duty of five pounds per centum, as in the said act is mentioned: and whereas, by virtue of another act, made in the twenty-second year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective Commissioners of the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on French wine and other wines as aforesaid, except and exclusive of the additional impost or duty of five pounds per centum, commonly called The Impost one thousand seven hundred and seventy-nine, which was granted by an act made in the nineteenth year of his Majesty's reign, (intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain): and whereas it is expedient to repeal the said additional impositions, rates, or duties herein before particularly mentioned, and by the said in part recited acts imposed on French wine and other wines respectively as aforesaid, and also the said additional impost or duties so charged as aforesaid upon the produce and amount thereof; and in lieu thereof to grant unto his Majesty the several inland duties herein-after mentioned: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, the said additional impositions, rates, or duties herein-before particularly mentioned, and by the said in part recited acts imposed on French wine and other wines respectively as aforesaid, and also the said additional imposts or duties so charged as aforesaid upon the produce and amount thereof, shall cease and determine, and be no longer paid or payable, save and except in all cases relating to the recovering any arrears thereof respectively, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon or at any time before the said fifth day of July, one thousand seven hundred and eighty-six.

From July 5,
1786, the ad-
ditional duties
on wines be-
fore specified
to cease.

From July 5,
1786, the fol-
lowing duties
to be paid for
wines import-
ed.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, over and above all subsidies of tonnage and poundage, and all other subsidies,

subsidies, duties, and impositions whatsoever (not repealed by this act) due and payable for any wine imported into *Great Britain*, by any act or acts of parliament now in force, the several inland duties herein-after mentioned; (that is to say), For every ton of *French* wine, which shall be imported into *Great Britain*, the sum of thirty-five pounds fourteen shillings, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines, imported into *Great Britain*, the sum of seventeen pounds seventeen shillings, and so after that rate for any greater or lesser quantity: provided always, That nothing in this act contained shall extend, or be construed to extend, to make chargeable with the said duties hereby imposed, or any of them, any wines damaged, corrupt, or unmerchantable, and for which the merchants or importers thereof shall refuse to pay or secure the duties, and which, by an act passed in the twelfth year of the reign of his late majesty King *George* the First, (intituled, *An act for the improvement of his Majesty's revenues of customs, excise, and inland duties*), are on such refusal directed to be received into the custody of the proper officers of the customs, to be publickly sold in order to be distilled into brandy, or to be made into vinegar.

For French wine, 35l. 14s. per ton:

For other wines, 17l. 17s. per ton.

Not to extend to damaged wines, which are to be sold to make brandy, &c.

III. And be it further enacted by the authority aforesaid, That such of the duties by this act imposed as shall arise in *England*, *Wales*, and the town of *Berwick upon Tweed*, shall be under the management of the commissioners of excise in *England* for the time being; and such thereof as shall arise in *Scotland*, shall be under the management of the commissioners of excise in *Scotland* for the time being.

Duties to be under the management of the excise.

IV. And be it further enacted by the authority aforesaid, That within twenty days next after the master or purser for that voyage, of the ship or vessel wherein any foreign wine shall be imported or brought into this kingdom, shall have or ought to have made a just and true entry or report upon oath of the burthen, contents, and lading of such ship or vessel, in pursuance of the directions of an act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, (intituled, *An act for preventing frauds and regulating abuses in his Majesty's customs*), the proprietor or proprietors, importer or importers, consignee or consignees, of any such foreign wine, shall make due entry with the collector of excise, in the port or place where such wine shall be so imported, of all such wine, on board of such ship or vessel, belonging to such proprietor or proprietors, importer or importers, consignee or consignees, specifying in such entry, if such wine be *French* wine, whether the same is *French* red wine or *French* white wine, and if such wine be foreign wine other than *French* wine, whether the same is foreign white wine or foreign red wine, nor *French*; and shall then, and before the landing of any such wine, satisfy and pay the duties by this act imposed on such wine, and shall also, within such twenty days, land all such wine; and if such proprietor or proprietors, importer or importers, consignee or consignees, shall neglect

If within 20 days after entry should be made of the vessel, according to act 13 & 14 Car. 2. c. 11. due entry of the wine be not made at the port of importation, &c. it may be conveyed to the King's warehouse, and in three months sold, if the duties, &c. be not paid.

neglect or reſuſe to make due entry, or to pay ſuch duties, or to land any ſuch wine within ſuch twenty days, it ſhall and may be lawful for any officer or officers of the cuſtoms or exciſe to convey ſuch wine, together with the caſks, bottles, and packages containing the ſame, to his Maſteſty's warehouſe or warehouſes, for ſecurity as well of the ſaid duties by this act impoſed on ſuch wine, as alſo all other duties due or payable in reſpect of ſuch wine; and if as well the ſaid duties by this act impoſed on ſuch wine, as all other duties due or payable in reſpect of ſuch wine, ſhall not be fully paid and ſatiſfied within the ſpace of three months from the time ſuch wine ſhall be ſo conveyed to ſuch warehouſe or warehouſes, the ſaid reſpective commiſſioners of the cuſtoms in *England* and *Scotland*, or the major part of them, for the time being (in caſe ſuch wine ſhall be ſo conveyed to ſuch warehouſe or warehouſes by any officer or officers of the cuſtoms), and the ſaid reſpective commiſſioners of exciſe, or the major part of them, for the time being (in caſe ſuch wine ſhall be ſo conveyed to ſuch warehouſe or warehouſes by any officer or officers of exciſe), ſhall and may cauſe ſuch wine, caſks, bottles, and packages to be publickly ſold to the beſt bidder, at ſuch places as the ſaid reſpective commiſſioners of the cuſtoms or exciſe, as the caſe may require, ſhall think proper, for and towards ſatiſfying as well the ſaid duties hereby impoſed on ſuch wine, as all other duties due or payable in reſpect of ſuch wine, and alſo the coſts, charges, and expences attending the conveying of ſuch wine, caſks, bottles, and packages, to ſuch warehouſe or warehouſes, and of the keeping and ſale of ſuch wine, caſks, bottles, and packages; and if the money ariſing from the ſale thereof ſhall be more than ſufficient to pay and ſatiſfy the duties hereby impoſed, and all the money due or payable for the cuſtom duties for and in reſpect of ſuch wine, together with ſuch coſts, charges, and expences, the reſpective receivers general of the cuſtoms in *England* and *Scotland* for the time being (in caſe the ſaid reſpective commiſſioners of the cuſtoms, or the major part of them reſpectively, ſhall cauſe ſuch wine to be ſold) ſhall pay over to the ſaid reſpective commiſſioners of exciſe ſo much of ſuch exceſs or ſurplus as will be ſufficient to ſatiſfy the duties hereby impoſed on ſuch wine; and the ſaid reſpective commiſſioners of exciſe (in caſe they, or the major part of them reſpectively, ſhall cauſe ſuch wine to be ſold) ſhall pay over to the ſaid reſpective receivers general of the cuſtoms ſo much of ſuch exceſs or ſurplus as will be ſufficient to ſatiſfy the money due or payable for the cuſtom duties for or in reſpect of ſuch wine; and the overplus (if any be) ſhall be paid to the proprietor or proprietors, or other perſon or perſons authorized to receive the ſame: and in caſe the money ariſing from the ſale of the ſaid wine ſhall not be ſufficient to ſatiſfy the whole of the ſaid duties hereby impoſed on ſuch wine, and all the ſaid cuſtom duties due or payable in reſpect of ſuch wine, together with ſuch coſts, charges, and expences as aforeſaid, the ſaid reſpective commiſſioners of the cuſtoms or exciſe, as the

calé may require, ſhall firſt diſcharge and pay all ſuch coſts, charges, and expences, and ſhall divide the reſidue of ſuch money into two ſums of money, in the proportion of three to two; and the ſaid reſpective commiſſioners of the cuſtoms (in caſe they, or the major part of them reſpectively, ſhall cauſe ſuch wine to be ſold) ſhall pay over the leaſt of ſuch two ſums of money to the ſaid reſpective commiſſioners of exciſe, towards ſatisfying the duties, hereby impoſed on ſuch wine; and the ſaid reſpective commiſſioners of exciſe (in caſe they or the major part of them reſpectively ſhall cauſe ſuch wine to be ſold) ſhall pay over the greateſt of ſuch two ſums of money to the ſaid reſpective receivers general of the cuſtoms, towards ſatisfying the money due or payable for the cuſtom duties for or in reſpect of ſuch wine.

How the money ariſing from the ſale of wines is to be divided when inſufficient to pay the whole of the duties.

V. And be it further enacted by the authority aforeſaid, That the receipts of the ſaid reſpective commiſſioners of exciſe ſhall be a ſufficient diſcharge to the ſaid reſpective receivers general of the cuſtoms, for ſuch money as they ſhall ſo pay to the ſaid reſpective commiſſioners of exciſe; and the receipts of the ſaid reſpective receivers general of the cuſtoms ſhall be a ſufficient diſcharge to the ſaid reſpective commiſſioners of exciſe, for ſuch monies as they ſhall ſo pay to the ſaid reſpective receivers general; and ſuch receipts ſhall ſeverally be allowed by the proper officer or officers, in paſſing the accounts of the ſaid reſpective commiſſioners of exciſe and receivers general of the cuſtoms.

Receipts of the commiſſioners of exciſe and cuſtoms to be ſufficient diſcharges.

VI. And be it further enacted by the authority aforeſaid, That all foreign wine which ſhall be unſhipped, landed, or delivered from or out of any ſhip, veſſel, or boat, before as well the duties hereby impoſed, as all other duties payable in reſpect of ſuch wine, ſhall be fully paid or ſecured to be paid, ſhall be forfeited and loſt, together with the caſks, bottles, jars, and packages containing the ſame, and ſuch wine, caſks, bottles, jars, and packages, ſhall and may be ſeized by any officer or officers of the cuſtoms or exciſe; and if any perſon or perſons ſhall unſhip, land, or deliver, or cauſe or procure to be unſhipped, landed, or delivered, or be aiding or aſſiſting in the unſhipping, landing, or delivering, from or out of any ſhip, veſſel, or boat, any foreign wine, before as well the ſaid duties hereby impoſed, as all other duties payable in reſpect of ſuch wine, ſhall be fully paid or ſecured to be paid, or ſhall hide or conceal, or cauſe or procure to be hiddden or concealed, any ſuch wine ſo unſhipped, landed, or delivered as aforeſaid, or ſhall receive into his, her, or their hands, cuſtody, or poſſeſſion, any ſuch wine ſo unſhipped, landed, or delivered as aforeſaid, he, ſhe, or they, knowing the ſame to have been ſo unſhipped, landed, or delivered as aforeſaid, turn perſon or perſons, and each and every of them, ſhall, for each and every ſuch offence, forfeit and loſe treble the value of ſuch wine, to be eſtimated according to the beſt and higheſt uſe and price which wine of

Wine landed before the duties are paid forfeited; and perſons aſſiſting therein, etc to forfeit treble the value of the wine.

the

the beſt quality, of that kind, ſhall ſell for in *London* at the time when ſuch forfeiture ſhall be incurred.

VII. And be it further enacted by the authority aforeſaid,

Wine brought in ſhips of not more than 60 tons forfeited, with the veſſel, unleſs ſuch wine be for the uſe of the crew, and not greater in quantity than herein ſpecified.

That where any wine ſhall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, from foreign parts, in any ſhip, veſſel, or boat, of the burthen of ſixty tons or under, then not only the ſaid wine, but alſo the ſaid ſhip, veſſel, or boat, in which the ſame ſhall be imported, with all her guns, furniture, ammunition, tackle, and apparel, ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of the cuſtoms or exciſe; provided always, That nothing in this act contained ſhall extend, or be deemed or conſtrued to extend, to forfeit any wine for being imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any ſhip, veſſel, or boat of the burthen of ſixty tons, or under, or any ſuch ſhip, veſſel, or boat, for having ſo imported or brought therein any ſuch wine (provided there be no ſpirituſous liquors on board ſuch ſhip, veſſel, or boat, at the time of ſuch importation or bringing of any ſuch wine), if ſuch wine ſo imported or brought ſhall be for the uſe of the ſeamen then belonging to and on board ſuch ſhip, veſſel, or boat, and ſhall not exceed the quantity of two gallons for each ſuch ſeaman, or in caſe any ſpirituſous liquors ſhall, at the time of ſuch importation or bringing of any ſuch wine, be on board ſuch ſhip, veſſel, or boat, for the uſe of ſuch ſeamen, and ſhall be leſs in quantity than two gallons for each ſuch ſeaman, if the quantity of wine and ſpirituſous liquors, taken together, be not more than two gallons in the whole for each ſuch ſeaman.

VIII. And be it further enacted by the authority aforeſaid,

From July 5, 1786, wholeſale dealers in foreign wine, to take out licences, which are to be granted without fees.

That, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-fix, no perſon or perſons ſhall deal in or ſell foreign wine by wholeſale, without firſt taking out a licence for that purpoſe, in manner herein-after mentioned, before he, ſhe, or they ſhall ſo deal in or ſell foreign wine by wholeſale; and that if any ſuch licence ſhall be taken out within the limits of the chief office of exciſe in *London*, the ſame ſhall be granted under the hands and ſeals of two or more of the commiſſioners of exciſe for the time being, or of ſuch perſon or perſons as the ſaid commiſſioners of exciſe, or the major part of them, for the time being, ſhall from time to time appoint for that purpoſe; but if any ſuch licence ſhall be taken out in any part of *England* or *Wales*, not within the ſaid limits, or in the town of *Berwick upon Tweed*, the ſame ſhall be granted under the hands and ſeals of the ſeveral collectors and ſuperviſors of exciſe, within their reſpective collections and diſtricts; and in caſe any ſuch licence ſhall be taken out within the limits of the city of *Edinburgh*, the ſame ſhall be granted under the hands and ſeals of two or more of the commiſſioners of exciſe in *Scotland*, for the time being, or of ſuch perſon or perſons as the commiſſioners of exciſe in *Scotland*,

Scotland, or the major part of them, for the time being, ſhall from time to time appoint for that purpoſe; or if any ſuch licence ſhall be taken out in any other part of *Scotland*, without the ſaid limits of the city of *Edinburgh*, then the ſame ſhall be granted under the hands and ſeals of the ſeveral collectors and ſupervisors of exciſe in *Scotland*, within their reſpective collections and diſtricts; and ſuch reſpective commiſſioners of exciſe, or two or more of them, reſpectively, and the perſons ſo to be appointed by them, or the major part of them, reſpectively, and alſo all ſuch collectors and ſupervisors, are hereby reſpectively authorized and required to grant ſuch licences, to the perſons who ſhall apply for the ſame without fee or reward.

IX. And be it further enacted by the authority aforeſaid, That no perſon or perſons ſhall deal in foreign wine by wholeſale, after the expiration of twelve months from the time of taking out any ſuch licence as aforeſaid, unleſs ſuch perſon or perſons ſhall take out ſreſh licences, in the manner herein before directed, ten days at leaſt before the expiration of twelve months from the time of taking out ſuch former licence, and ſo in like manner from year to year; and that if any perſon or perſons ſhall deal in foreign wine by wholeſale, without firſt taking out ſuch licence, and renewing the ſame yearly, in manner aforeſaid, he; ſhe, or they, ſhall, for every ſuch offence, forfeit and loſe one hundred pounds: provided always, That perſons dealing in or ſelling foreign wine by wholeſale, in partnership; and in one houſe or ſhop only, ſhall not be obliged to take out more than one licence in any one year for dealing in or ſelling foreign wine by wholeſale; and that no one licence, which ſhall be granted by virtue of this act, ſhall authorize or empower any perſon or perſons to deal in or ſell foreign wine in any other warehouse, ſtorehouſe, room, ſhop, cellar, vault, or other place, (other than and except on the lawful quays upon which ſuch wine ſhall have been firſt landed, and whiſt ſuch wine ſhall be openly lying on ſuch quays), than ſuch warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other places, whereof entry in writing ſhall be made at the office of exciſe, according to the directions of this act, at the time of granting ſuch licence.

Licences to be renewed annually.

Perſons ſelling wine without a licence, forfeit 100l.

One licence ſufficient for a partnership in one houſe.

No licence to authorize the ſale of wine in any other than the place of entry.

X. Provided always nevertheleſs, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid reſpective commiſſioners of exciſe, or the major part of them for the time being, to authorize and empower any auctioneer, duly licensed according to an act, made in the nineteenth year of the reign of his preſent Maſteſty, intituled, *An act for altering, amending, and enforcing ſo much of an act, made in the ſeventeenth year of the reign of his preſent Maſteſty, intituled, An act for granting to his Maſteſty certain duties on licences to be taken out by all perſons acting as auctioneers; and certain rates and duties on all ſtands, houſes, goods, and other things ſold by auction, and upon indentures, leaſes, bonds, deeds, and other inſtruments, as relates to the method of granting licences to auctioneers,*

Commissioners may empower auctioneers to ſell foreign wine by auction, on proof of duties paid. 19 Geo. 3. c. 56.

and

and to the collecting the duties on estates and goods sold by auction, to sell by auction, and for such auctioneer, so authorized and empowered, accordingly to sell by auction, any foreign wine, if it be first proved to the said respective commissioners, or the major part of them, that all the duties due or payable in respect of such foreign wine have been fully paid, the examination and proof thereof being left to the judgment of the said respective commissioner or the major part of them; and such auctioneer, so authorized and empowered, shall not be liable to any fine, penalty, or forfeiture by this act imposed, for or in respect of such sale.

Person taking out licences for retailing foreign wine, to be deemed whole sale dealers, if they have not licences for retailing spirituous liquors, etc. If they have, to be deemed retail dealers.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons to whom any licence for retailing of foreign wine shall be granted, and who shall not take out either a licence for retailing spirituous liquors, or a licence for retailing of beer, ale, or other exciseable liquors, shall be deemed and taken to be a dealer or dealers in foreign wine by wholesale, within the meaning of this act; and if any wine, either foreign wine, or by the person or persons dealing in or selling the same pretended to be foreign wine, shall at any time be sold by any such person or persons, such sale shall be deemed and taken to be and selling foreign wine by wholesale, within the meaning of this act; and that all and every person and persons having a licence granted to him, her, or them, either for retailing of spirituous liquors, or for retailing of beer, ale, or other exciseable liquors, shall be deemed and taken to be a dealer or dealers in foreign wine by retail, within the meaning of this act: provided always, That nothing herein-before contained shall in anywise be prejudicial to the privileges of the two universities in that part of Great Britain, called England, or either of them, nor to the chancellors or scholars of the same or their successors; but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed, any thing herein contained to the contrary notwithstanding: provided also, That nothing herein-before contained shall extend to be prejudicial to the master, wardens, freemen, and commonalty of the vintners of the city of London, or to any other city or town corporate; but that they may use and enjoy such liberties and privileges as they have heretofore lawfully used and enjoyed: provided nevertheless, That no person who shall be admitted to the freedom of the said company of vintners of the city of London by redemption only, shall be exempted from the obligation of taking out a licence for selling or uttering wine by retail, but that the freemen only of the said company who have been already admitted to their freedom, or who shall be admitted to their freedom in right of patrimony or apprenticeship, shall be entitled to such exemption: provided also, That nothing herein-before contained shall in anywise extend to debar or hinder the mayor or burgesses of the borough of Saint Albans, in the county of Hertford, or their successors, from enjoying, using, and exercising all such liberties, powers, and authorities

Not to extend to the two universities.

to them heretofore granted, by ſeveral letters patent under the great ſeal of *England*, by Queen *Elizabeth* and King *James* the Firſt, for the erecting, appointing, and licensing of three ſeveral wine taverns within the borough aforeſaid, for and towards the maintenance of the free ſchool there; but that the ſame liberties, powers, and authorities ſhall be and are hereby eſtabliſhed and confirmed, and ſhall remain and continue in and to the ſaid mayor and burgeſſes, and their ſucceſſors, to and for the charitable uſe aforeſaid, and according to the tenor of the letters patent aforeſaid, as though this act had never been made; any thing in this act contained to the contrary in anywiſe notwithſtanding: provided always, and be it declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to exempt any perſon or perſons who ſhall ſell or utter any kind of wine or wines, or any liquor called or reputed *Wine*, by the pint, quart, poſtle, or gallon, or by any other greater or leſs meaſure, or in bottles in any leſs quantity than ſhall be equal to the meaſure of the caſk, or veſſel in which the ſame ſhall have been, or may lawfully be imported, from taking out a licence for retailing wine in ſuch and the ſame manner as they now are by law required, and as if this act had never been made.

No perſon whatſoever to ſell wine by the pint, &c. without taking out a licence.

XII. And be it further enacted by the authority aforeſaid, That all dealers in and ſellers of foreign wine ſhall make true and particular entry in writing of all warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places, by him, her, or them reſpectively made uſe of for the keeping of wine for ſale, at the office of exciſe within the compaiſ or limits whereof ſuch reſpective warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places, ſhall be ſituated, on pain of forfeiting the ſum of one hundred pounds for every ſuch warehouſe, ſtorehouſe, room, ſhop, cellar, vault, or other place, which ſhall be ſo made uſe of by any ſuch dealer or dealers, or ſeller or ſellers, without having made ſuch entry as aforeſaid, together with all wine that ſhall be found therein, and alſo the caſks, jars, bottles, veſſels, and packages whatſoever, containing ſuch wine: provided always, That nothing in this act contained ſhall extend, or be deemed or conſtrued to extend, to make any dealer or dealers in, or ſeller or ſellers of, foreign wine by wholeſale, liable to the ſaid penalty or one hundred pounds, for or by reaſon of any ſale of any foreign wine, whiſt the ſame ſhall be lying openly on the lawful quays on which ſuch wine ſhall have been firſt landed.

Entry to be made of all warehouſes, &c. on penalty of 100l. and forfeiture of the wine therein.

Exception.

XIII. And be it further enacted by the authority aforeſaid, That where any entry ſhall be made by any dealer or dealers in, or ſeller or ſellers of, foreign wine, of any warehouſe, ſtorehouſe, room, ſhop, cellar, vault, or other place, for the keeping of wine for ſale, no other dealer or dealers in, or ſeller or ſellers of wine, not being in partnership with ſuch dealer or dealers, or ſeller or ſellers, making ſuch firſt entry, ſhall, on any pretence whatſoever, make entry of the ſame, or of any other warehouſe, ſtorehouſe, room, ſhop, cellar, vault, or other place whatſoever, within the ſame houſe or tenement in which ſuch firſt entry ſhall then

Perſons making entry of places already entered, to be deemed dealers without entry, &c.

then be exiſting; but every ſuch dealer or dealers, or ſeller or ſellers, making ſuch further entry of the ſame, or any other ſuch warehouse, ſtorehouſe, ſhop, room, cellar, vault, or other place, in ſuch ſame houſe or tenement, ſhall, notwithſtanding ſuch further entry by him, her, or them made, be deemed and taken to be a dealer in foreign wine without entry, and ſhall be ſubject to the like penalties and forfeitures as dealers in foreign wine without entry are ſubject unto by virtue of this act.

Every place
for keeping or
ſelling wine
muſt have
thereon the
words dealer
in foreign
wine, on pe-
nalty of ſol.

XIV. And be it further enacted by the authority aforeſaid, That all and every dealer and dealers in, and ſeller and ſellers of, foreign wine by wholeſale, ſhall cauſe to be painted or written, in large legible characters, over the outer door, or in the front or on ſome conspicuous part of each and every houſe, warehouse, ſtorehouſe, room, ſhop, cellar, vault, and other place, by him, her, or them reſpectively made uſe of for the keeping of foreign wine for ſale, the words *Dealer in Foreign Wine*, upon pain of forfeiting, for every ſuch houſe, warehouse, ſtorehouſe, room, ſhop, cellar, vault, or other place which ſhall be ſo made uſe of by any ſuch dealer or dealers in, or ſeller or ſellers of, foreign wine reſpectively, without having the ſaid words painted or written as is hereby directed, the ſum of fifty pounds.

Perſons put-
ting thoſe
words, on
unentered
places, to for-
feit 200l. &c.

XV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever, other than ſuch as ſhall have duly made entry at the proper offices of exciſe of the places by them reſpectively made uſe of for keeping foreign wine for ſale, ſhall paint or write, or cauſe to be painted or written, over the door, or in the front of any place to them reſpectively belonging, the words *Dealer in Foreign Wine*, every perſon and perſons reſpectively offending therein ſhall forfeit and loſe the ſum of one hundred pounds, and ſhall alſo be ſubject to the ſeveral penalties and forfeitures to which perſons ſelling of, or dealing in, foreign wine without entry are ſubjected to by virtue of this act.

An account
of the wine
in ſtore on
July 5, 1786,
to be delivered
at the next
office of ex-
ciſe, within
three days,
or the ſame
to be forfeited.

XVI. And be it further enacted by the authority aforeſaid, That all dealers in, and ſellers of, foreign wine ſhall, on the fifth day of *July*, one thouſand ſeven hundred and eighty-fix, or within three days then next enſuing, deliver, or cauſe to be delivered, at the office of exciſe within the limits whereof their reſpective warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places, by him, her, or them made uſe for keeping wine for ſale, ſhall be ſituated, a juſt, true, and particular account in writing of the quantity of all the foreign wines which ſhall, on the ſaid fifth day of *July*, be or have been in the cuſtody or poſſeſſion of any ſuch dealer or dealers in, or ſeller or ſellers of, foreign wine, diſtinguiſhing ſuch foreign wines from each other, according to the true denominations thereof, under the following deſcriptions of *French* red wine, and *French* white wine, in caſe the ſame be *French* wine, and of foreign red wine not *French*, and foreign white wine not *French*, in caſe the ſame ſhall be foreign wine, other than *French* wine, on pain of forfeiting, for every neglect to deliver or cauſe to be delivered ſuch account, all ſuch

such foreign wine whereof no such account shall be so delivered, together with the casks, bottles, jars, vessels, and packages, containing the same; and such foreign wine, casks, bottles, jars, vessels, and packages, so forfeited, shall and may be seized by any officer or officers of excise; all wine in bottles to be so accounted for without expressing the number of gallons which they contain

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any or either of them, from time to time, and at all times, by day and by night, upon his or their request, (but if in the night, in the presence of a constable or other officer of the peace), to enter into all and every the warehouses, storehouses, rooms, shops, cellars, vaults, and other places made use of by any dealer or dealers in, or seller or sellers of, foreign wine, whether by wholesale or by retail, for keeping wine, and by him or her, or otherwise, to take an account of the quantity and quality of all the wine and other liquors which shall at any time be in his, her, theirs, or any of their custody, in cask, or in any vessel or vessel except bottles, and also to take an account of the wine or other liquors which shall at any time be in his, her, or their custody, in bottles, in any other manner than by tasting the same, or by uncorking or opening the bottles containing such wine

Officers may at all times, and at any hour, go to take an account of stock

XVIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any or either of them, and they are hereby authorized and empowered to take, at any time or times, a sample or samples of foreign wine, whether in bottles or in cask, or in any other vessel or vessels, paying for the same, for every quart of wine, the usual price thereof, and in case any dealer or dealers in, or seller or sellers of, foreign wine, or any workman or servant to him, her, or them belonging, shall refuse to permit such officer or officers to take such sample or samples as aforesaid, upon his, or their offering to pay for the same after the rate aforesaid, or shall in anywise obstruct or hinder him or them in taking such sample or samples, such dealer or dealers in, or seller or sellers of, foreign wine, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds

Officers to be permitted to take samples on paying for the same, in penalty of £100.

XIX. And be it further enacted by the authority aforesaid, That all dealers in and sellers of foreign wine, who shall have or receive into their custody any foreign wine, shall, from time to time, distinctly mark in the most conspicuous part of each and every cask, jar, bottle, and other vessel capable of containing above the quantity of three gallons, and in which they shall keep any foreign wine, the number of gallons which such cask, jar, bottle, and other vessel is capable of containing, and also the sort of such wine then kept or contained therein, specifying, if it be French wine, whether the same is French red wine or French white wine, and, if the same be foreign wine other than French

The quality and quantity of wine to be marked on all vessels, containing more than 3 gallons, or to be forfeited.

wine, whether the same is foreign red wine, or foreign white wine, on pain of forfeiting such wine as shall at any time be kept or contained in any such cask, jar, bottle, and other vessel, together with such cask, jar, bottle, and other vessel containing such wine; and all such wine, together with such cask, jar, bottle, or other vessel, shall and may be seized by any officer or officers of excise.

Casks and places for keeping wine to be shewn to the officer, or the wine to be forfeited.

XX. And be it further enacted by the authority aforesaid, That every dealer or dealers in, or seller or sellers of, foreign wine, is and are hereby required to shew to the officer of excise under whose survey he, she, or they shall then be, each and every cask, vessel, and utensil capable of containing above the quantity of three gallons, and every bin, or other place, in which he, she, or they shall keep any foreign wine, on pain of forfeiting all such wine as shall at any time be found in any such cask, vessel, utensil, and bin, or other place, used for keeping of wine, which has not been so shewn to such officer as aforesaid, together with such cask, vessel, or utensil; and such cask, vessel, or utensil, so forfeited, together with such wine found therein, shall and may be seized by any officer or officers of excise; and such officer shall mark such casks, vessels, utensils, bins, or other place, used for keeping of wine, so shewn to him, or any or either of them, with a particular, distinct and durable mark; and if any person or persons whatsoever shall, at any time after any such bin, cask, vessel, or utensil shall have been so marked by such officer as aforesaid, rub out or deface any such mark so fixed upon any such cask, vessel, utensil, or bin, or other place, used for keeping of wine, by such officer as aforesaid, he, she, or they shall, for every such offence, forfeit and lose the sum of fifty pounds.

Marks on casks, &c. made by the officer, not to be defaced, on penalty of 50*l*.

No bin, &c. containing more than 3 gallons, to be erected, enlarged, or used, without notice being given to the excise, on penalty of 50*l*.

XXI. And be it further enacted by the authority aforesaid, That no dealer or dealers in, or seller or sellers of, foreign wine shall, without notice first thereof given at the office of excise, within the compass or limits whereof his, her, or their respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places shall be situated, erect or set up any vessel, utensil, or other convenience for keeping or containing wine, and capable of containing above the quantity of three gallons, or alter or enlarge any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, which is already erected or set up, or shall hereafter be erected or set up, or shall have or keep any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, other than such as are openly kept and used in his, her, or their entered warehouse, storehouse, room, shop, cellar, vault, or other place made use of by him, her, or them for keeping of foreign wine, and discovered and known to the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, on pain to forfeit and lose, for every such bin, vessel, or utensil so erected or set up, or hereafter

hereafter to be erected or ſet up, or altered or enlarged, or kept, without ſuch notice given as aforeſaid, or without being ſo diſcovered and known, the ſum of fifty pounds.

XXII. And be it further enacted by the authority aforeſaid, That all and every dealer and dealers in, and ſeller and ſellers of, foreign wine by wholeſale, ſhall, before he, ſhe, or they ſhall begin to draw off or bottle any foreign wine, give to the officer of exciſe, under whoſe ſurvey ſuch dealer or dealers, or ſeller or ſellers ſhall then be, ſix hours notice in writing, within the limits of the chief office of exciſe in *London*, and twelve hours notice in writing in other places in *Great Britain*, of his, her, or their intention to draw off or bottle any foreign wine, and of the time when, and the particular warehouse, ſtorehouſe, room, ſhop, cellar, vault, or other place, in which ſuch foreign wine is intended to be drawn off or bottled, and the quantity thereof, and into how many caſks, bottles, or other veſſels the ſame is intended to be drawn off or bottled; and if ſuch wine, ſo intended to be drawn off or bottled, be *French* wine, whether the ſame is *French* red wine or *French* white wine; or, if ſuch wine, ſo intended to be drawn off or bottled, be not *French* wine, whether the ſame is foreign red wine, not *French*, or foreign white wine, not *French*, and from what particular caſk or other veſſel, or caſks or other veſſels, ſuch wine is ſo intended to be drawn off or bottled; and ſuch officer ſhall, if he ſhall deem it expedient ſo to do, attend to ſee ſuch foreign wine drawn off or bottled, and the ſame ſhall be drawn off or bottled in the preſence of ſuch officer, if he ſhall attend purſuant to ſuch notice; and ſuch wine ſhall alſo be packed or piled in the preſence of the officer of exciſe under whoſe ſurvey ſuch dealer or dealers, or ſeller or ſellers, ſhall then be, or, in default of the ſame being packed or piled in the preſence of ſuch officer, ſuch dealer or dealers, or ſeller or ſellers, ſhall, immediately upon ſuch wine being drawn off or bottled as aforeſaid, or in caſe the officer ſhall not be then preſent, then upon ſuch officer's next ſurvey, make to ſuch officer a declaration into what particular bin, or in what particular part of his warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered places, ſuch wine is intended to be, or ſhall have been, packed, piled, or depoſited, and when ſuch dealer or dealers, or ſeller or ſellers, intends or intend to pack, pile, or depoſit the ſame, according to ſuch declaration, and ſuch wine ſhall be piled or depoſited according to ſuch declaration; and no foreign wine ſhall be removed from the bin or place in which the ſame ſhall be packed, piled, or depoſited, according to the directions of this act, into any other bin or place, in any ſuch warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered places, before ſuch dealer or dealers, or ſeller or ſellers, ſhall have given to ſuch officer ſix hours notice in writing, within the limits of the ſaid chief office, and twelve hours notice in writing, in other places in *Great Britain*, of his, her, or their intention ſo to remove the ſame, and of the particular bin or place, in any ſuch warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered

Notice to be given of an intention to draw off wine, with the quantity, that the officer may attend; and declaration to be made of the place where it is to be depoſited.

No wine to be removed without notice.

Penalty on
bottling
wine, &c.
without giving
due notice.

Persons not
liable to pe-
nalty for a
small diffe-
rence in the
number of
bottles drawn
off, and in the
notice.

If wine be
not begun to
be bottled off,
within an
hour after the
time men-
tioned, the
notice to be
void.

Wine may be
drawn off at
any time to
be sent out
immediatly.

entered places, to which the fame is intended fo to be removed; and if any fuch dealer or dealers in, or feller or fellers of, foreign wine, fhall begin to draw off or bottle any fuch foreign wine, without giving fuch notice as is in that behalf herein-before directed to be given, or, in default of fuch wine being packed or piled in the prefence of fuch officer as aforefaid, fhall neglect to make fuch declaration as aforefaid, or to pack, pile, or depofit fuch wine according to fuch declaration, or fhall remove any foreign wine from the bin or place in which the fame fhall be packed, piled, or depofited, according to the direCTIONS of this act, into any other bin or part of any fuch warehouses, ftore-houfes, rooms, fhops, cellars, vaults, or other entered places, without giving fuch notice as is in that behalf herein-before directed to be given, he, ſhe, or they fhall, for every fuch offence, forfeit and lofe the ſum of fifty pounds: provided always, That nothing in this act contained fhall extend, or be deemed or conſtrued to extend, to make any dealer or dealers in, or feller or fellers of, foreign wine liable to the ſaid penalty of fifty pounds, for or by reaſon of his drawing off or bottling any foreign wine into a number of bottles more or leſs, by a ſmall quantity, than ſhall be ſpecified, in fuch notice herein-before directed to be given, as the number of bottles into which fuch wine was intended to be drawn off or bottled: provided alſo, That if any dealer or dealers in, or feller or fellers of, foreign wine by wholeſale, ſo intending to draw off or bottle fuch foreign wine, ſhall not begin and proceed to draw off or bottle fuch wine at the time mentioned in fuch notice in that behalf herein-before directed, or within one hour after fuch time, then fuch notice ſhall be void, and fuch dealer or dealers, or feller or fellers, ſo intending to draw off or bottle fuch wine, ſhall give a freſh notice to ſuch officer or officers of the time when, and the particular warehouse, ſtore-houſe, room, ſhop, cellar, vault, or other place in which fuch wine is intended to be drawn off or bottled, and the quantity thereof, and into how many caſks, bottles, jars, or other veſſels, the fame is intended to be drawn off or bottled; and, if fuch wine ſo intended to be drawn off or bottled be *French* wine, whether the fame is *French* red wine or *French* white wine, or, if fuch wine ſo intended to be drawn off or bottled be not *French* wine, whether the fame is foreign red wine or foreign white wine, and from what particular caſk, jar, or other veſſel, caſks, jars, or other veſſels, fuch wine is ſo intended to be drawn off or bottled: provided always, nevertheleſs, That nothing in this act contained ſhall extend, or be deemed or conſtrued to extend, to make it unlawful to or for any dealer or dealers in, or feller or fellers of, foreign wine by wholeſale, to draw off or bottle any foreign wine, at his, her, or their free will and pleaſure, for the purpoſe of immediately ſending out the fame, without giving fuch notice to the officer of exciſe under whoſe ſurvey fuch dealer or dealer, or feller or fellers, ſhall then be, of his, her, or their intention to draw off or bottle fuch foreign wine; but that it ſhall and may be lawful to and for any ſuch dealer or

dealers,

dealers, or ſeller or ſellers, to draw off or bottle any foreign wine, at his, her, or their free will and pleaſure, for the purpoſe of immediately ſending out the ſame, without giving ſuch notice to the officer of exciſe under whoſe ſurvey ſuch dealer or dealers; or ſeller or ſellers, ſhall then be, of his, her, or their intention to draw off or bottle ſuch foreign wine, without being liable to the ſaid penalty of fifty pounds for drawing off or bottling ſuch foreign wine without giving ſuch notice as is herein-before directed to be given; any thing herein-before contained to the contrary thereof in anywiſe notwithstanding.

XXIII. And be it further enacted by the authority aforeſaid, That all and every dealer and dealers in, and ſeller and ſellers of, foreign wine, ſhall keep all *French* red wine, in his, her, or their cuſtody or poſſeſſion, ſeparate and apart, and in ſeparate bins, caſks, bottles, jars, veſſels, utenſils, piles, parcels, and diviſions, from all other wine; and ſhall alſo, in like manner, keep all *French* white wine, in his, her, or their cuſtody or poſſeſſion, ſeparate and apart, and in ſeparate bins, caſks, bottles, jars, veſſels, utenſils, piles, parcels, and diviſions, from all other wine; and ſhall alſo, in like manner, keep all foreign red wine, (other than *French* wine) in his, her, or their cuſtody or poſſeſſion, ſeparate and apart, and in ſeparate bins, caſks, bottles, jars, veſſels, utenſils, piles, parcels, and diviſions, from all other wine; and ſhall alſo, in like manner, keep all foreign white wine (other than *French* wine) in his, her, or their cuſtody or poſſeſſion, ſeparate and apart, and in ſeparate bins, caſks, bottles, jars, veſſels, utenſils, piles, parcels, and diviſions, from all other wine, upon pain of forfeiting, for every ſuch offence, the ſum of fifty pounds.

Different ſorts of wines to be kept ſeparate on penalty of 100l.

XXIV. And be it further enacted by the authority aforeſaid, That all dealers in, and ſellers of, foreign wine, otherwiſe than by wholeſale, who ſhall have or receive into his, her, or their cuſtody, any cyder, ſpirituous liquors, or other liquors, ſhall keep the ſame ſeparate and apart from foreign wine, upon pain of forfeiting the ſum of ten ſhillings for every gallon of cyder, ſpirituous liquors, or other liquors, which ſhall not be ſo kept ſeparate and apart from foreign wine, together with all ſuch foreign wine, cyder, ſpirituous liquors, and other liquors, and the caſks, bottles, jars, veſſels, and other packages containing the ſame; and ſuch foreign wine, cyder, ſpirituous liquors, and other liquors; caſks, bottles, jars, veſſels, and packages, ſhall and may be ſeized by any officer or officers of exciſe.

Penalty on retail dealers not keeping cyder, &c. in ſeparate places from foreign wines.

XXV. And be it further enacted by the authority aforeſaid, That no dealer or dealers in, or ſeller or ſellers of, foreign wine, ſhall have in his, her, or their cuſtody or poſſeſſion, any *Britiſh*-made wine or ſweets, on pain of forfeiting all ſuch *Britiſh*-made wine or ſweets which ſhall be at any time found in the cuſtody or poſſeſſion of ſuch dealer or dealers, or ſeller or ſellers, and alſo the ſum of ten ſhillings for every gallon of ſuch *Britiſh* wine or ſweets, and ſo in proportion for any greater or leſſer quantity: provided always, That nothing herein contained ſhall extend, or

Dealers in foreign wine not to have ſweets in their poſſeſſion, on penalty of forfeiture, &c. but not to extend to the quantity in be hand, on July

5, 1786, which
may be sold
before Dec 1,
1786.

be deemed or construed to extend, to prevent any dealer or dealers in, or seller or sellers of, foreign wine, from having in his, her, or their custody or possession, or from selling, at any time before the first day of *December*, one thousand seven hundred and eighty-six, any *British-made* wines or sweets, which he, she, or they, shall really and *bona fide* have in his, her, or their custody or possession, at the time of the delivery of such account of the quantity of the foreign wines in the custody or possession of such dealer or dealers, or seller or sellers, at the excise office, as is herein-before directed.

An account
to be kept
of the quan-
tity of wine
daily sold.

XXVI. *And, for the better ascertaining the quantities of foreign wine which shall from time to time be sold by dealers in, and sellers of, foreign wine*, be it enacted by the authority aforesaid, That all such dealers in, and sellers of, foreign wine, shall from time to time keep an account of all foreign wine which they, or any of them, respectively shall sell, send out, or consume in each day, in small quantities under three gallons, expressing the number of gallons or bottles so sent out or consumed; and shall every day enter into a book, to be kept for that purpose, an account of the gross quantities of the said foreign wine which have been by him, her, or them respectively, so sold, sent out, or consumed, in the preceding day, in small quantities under three gallons; and such dealers in, or sellers of, foreign wine, shall also keep one other book, wherein they shall respectively enter each parcel of foreign wine of the quantity of three gallons or more, which they shall respectively sell or send out in each day, expressing the number of gallons or bottles so sold or sent out; which said parcels of foreign wine, of the quantity of three gallons or more, shall not be removed out of the respective sellers custody without a permit, signed by the proper officer or officers of excise, expressing the quantity of all such foreign wines, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in the request note, according to the directions of this act, and expressing the name and names of the person or persons so selling or sending out, and of the person or persons to whom the same is intended to be sent, and the place, to which the same is intended to be carried, and that the duties by this act charged on such foreign wines were paid, or that the said foreign wines were condemned as forfeited, or were part of the stock in hand of some person or persons, expressing his, her, or their name or names, of which an account had been taken in pursuance of this act; which said books shall be, and are hereby directed to be prepared for the making such entries as aforesaid, and delivered, upon demand, unto such dealers in, and sellers of, foreign wine respectively, by the said respective commissioners of excise, or such person or persons as they the said commissioners, or the major part of them, shall for that purpose direct and appoint: provided always, That no such dealer or dealers, or seller or sellers, shall have in his, her, or their custody more than one such book of each sort at a time, and when the said books in their custody shall be filled up,

The quantity
of three gal-
lons not to be
removed with-
out a permit.

Entry books
to be provid-
ed by the ex-
cise, and when
filled up, to
be returned
to the officer,
verified on
oath.

the fame fhall from time to time be feverally returned to the refpective officers from whom the fame was refpectively received, and the truth of the entries made therein fhall be verified upon the oath of fuch dealer or dealers, or feller or fellers, or his, her, or their fervant or fervants who kept the fame, and made the entries therein, according to the beft of his, her, or their knowledge and belief (which oath fuch refpective officers are hereby authorifed to adminifter), and one or more new book or books fhall thereupon be delivered to fuch refpective dealers in, or fellers of, foreign wine, in the room of fuch book or books fo returned, and fo *toties quoties*, as often as fuch book or books fhall be filled up with fuch entries; which faid books, fo kept by fuch refpective dealers or fellers, fhall from time to time lie open to be perufed by the officer of excife under whole furvey fuch refpective dealers in and fellers of foreign wine fhall then be, the better to enable them to keep their ftocks of the increafe and decreafe of fuch foreign wine; and that fuch dealers in and fellers of foreign wine fhall, immediately upon every request of the officer of excife under whole furvey fuch refpective dealers in and fellers of foreign wine fhall then be, fill up fuch book and books refpectively with the quantities by them fold in each day: provided always, That if any fuch dealer or dealers, feller or fellers, fhall neglect or refufe to keep fuch books, and make fuch entries therein, or to permit the officer or officers of excife, under whole furvey fuch refpective dealers or fellers fhall then be, to infpect them, or not return the faid books, or not fill up fuch books on request as aforefaid, according to the directions of this act, or fhall make any falfe entry in fuch book or books, he, ſhe, or they fhall, for every fuch offence, forfeit and lofe the fum of twenty pounds.

Entry books to lie open for the infpection of the officer.

Penalty on not keeping books, &c.

XXVII. And be it further enacted by the authority aforefaid, That if any officer or officers of excife fhall at any time or times difcover or find, that the quantity of *French* red wine, *French* white wine, foreign red wine (other than *French* red wine) or foreign white wine (other than *French* white wine) in the ftock of any dealer or dealers in or feller or fellers of foreign wine by wholefale, added to the quantity for which permits fhall have been granted fince the laft account was taken of fuch ftock, and alfo to the quantity or quantities fold, fent out, or confumed in fmall quantities under three gallons fince fuch laft account was taken, and for which proper entries fhall appear to be made in the book herein before directed to be kept for entering therein fuch wine as fhall be fold, confumed, or fent out in fmall quantities under three gallons, according to the directions of this act, exceeds the ftock left in hand on the taking off fuch laft account, added to the quantity of fuch wine fince received by permit, the quantity of wine fo found in excefs, by whatever liquor the fame fhall have been made, and whether the fame fhall be mixed or mingled, or unmixed or unmingled, fhall be deemed and taken to be made by foreign wine for which no duty has been paid, and which had been privately brought in by fuch dealer or

If an excefs in a ftock of wine be found, it is forfeited and alfo double its value.

dealers, or seller or sellers, without permit; and a quantity equal to the quantity of wine so found in excess shall be forfeited and lost, and shall and may be seized and taken by the officer or officers of excise who shall discover the same, from and out of the said stock or stocks in which such quantity of wine shall be so found in excess, and the person or persons in whose stock such quantity of wine so found in excess shall be discovered or found, shall also forfeit double the value of the quantity of wine so found in excess.

Not to extend to an excess occasioned by receiving wine from any lawful quay.

XXVIII. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be deemed or construed to extend, to forfeit any part of such stock or stocks, or to make any person or persons liable to the said penalty of double the value of such wine so found in excess, for or by reason of any such quantity of wine found in excess, if such excess shall arise and be occasioned wholly from wine which shall have been lawfully received into such stock, since such last account was taken, directly from any lawful quay or quays on which the same shall have been first landed, and shall not exceed the importation gauge of such wine more than two gallons upon each ton thereof; and if such wine shall also then be, and continue in the original cask, vessel, or package in which the same was imported, and no part thereof drawn off or taken out from such cask, vessel, or package; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Cider, &c. found in the possession of a whole sale dealer, to be deemed foreign wine.

XXIX. And be it further enacted by the authority aforesaid, That all cyder, sweets, *British*-made wine, mead, spirituous liquors, and other liquors whatsoever, which at any time shall be found in the warehouses, storehouses, rooms, shops, cellars, vaults, and other places, of any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, entered for the keeping or selling wine, shall be deemed and taken to be foreign wine, with the meaning of this act, of the same sort and denomination as the wine with which the same shall be kept, or if kept separate from any wine, then the same shall be deemed and taken to be *French* red wine.

Permits to be given without fee.

XXX. And be it further enacted by the authority aforesaid, That where any dealer or dealers in or seller or sellers of foreign wine by wholesale, duly licensed according to the directions of this act, shall have occasion to remove such wine from any such entered warehouse, storehouse, room, shop, cellar, vault, or other place, the officer or officers of excise of the respective divisions or places where such entered warehouse, storehouse, room, shop, cellar, vault, or other place, shall be situated, shall, without fee or reward, from time to time, upon a request note being made and delivered, according to the directions of this act, by such dealer or dealers, or seller or sellers, grant and give a permit in writing, signed by the said respective officer or officers, expressing the quantity of all such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in the request note,

note, according to the directions of this act, and expressing the name and names of the person or persons from whom the same is intended to be removed, and to whom the same is to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same hath been condemned as forfeited, or was part of the stock of some dealer or dealers in or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise pursuant to this act; and all officers of excise, granting or giving such permits, shall limit and express, in such permits, the time within which the said wine, in such permits mentioned, shall be removed from and out of the stock of the persons taking out such permits, and also the time within which the said wine shall be delivered and received into the warehouses, storehouses, rooms, shops, cellars, vaults, or other places, of the person or persons respectively to whom the same is so permitted to be sent.

XXXI. And be it further enacted by the authority aforesaid, That no such permit for the removal of any foreign wine shall be granted, or be valid, unless such dealer or dealers, or seller or sellers of foreign wine, requiring the same, shall make and send, or deliver, to the officer or officers of excise hereby authorized to grant such permit, a request note, in writing, specifying the name of the person to whom such wine is intended to be sent, the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required, and, if such wine be *French* wine, whether the same is *French* red wine or *French* white wine, or, in case such wine is not *French* wine, whether the same is foreign red wine not *French*, or foreign white wine not *French*, and also the number and contents of the casks, bottles, jars, or vessels, containing the same, and likewise whether the same is to be removed by land or by water, and by what mode of conveyance such wine is intended to be sent; and all such wine, which shall be removed under a description not conformable to this act, or under a false description, together with the casks, bottles, jars, vessels, and other packages containing the same, and the horses, cattle, carts, boats, barges, and other carriages used in the removal or carriage thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Permit not to be granted, unless the request contains the quantity to be removed, &c.

Wine removed contrary to this act seizable, &c.

XXXII. And be it further enacted by the authority aforesaid, That no wine shall be brought into any warehouse, storehouse, room, shop, cellar, vault, or other place, made use of by any dealer or dealers in or seller or sellers of foreign wine, without an authentick permit, granted and given according to the directions of this act, which permit shall be produced to and left with the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, on pain of forfeiting all such wine so brought in without such permit, together with the casks, bottles, jars, vessels, and packages containing the same, and such wine, with the casks, bottles, jars, vessels, and packages

Wine brought into a warehouse, etc. without a permit to be forfeited, etc.

packages containing the same, shall and may be seized by any officer or officers of excise.

Permits to be granted for the removal of wine belonging to private persons, but if removed contrary hereto, forfeited.

XXXIII. And be it further enacted by the authority aforesaid, That ~~where~~ any person or persons, not being a dealer or dealers in or seller or sellers of foreign wine, either by wholesale or by retail, shall have occasion to remove any foreign wine from any part of this kingdom to any other part thereof, it shall and may be lawful to and for the officer or officers of excise of the respective divisions or districts in which the place from whence such wine is intended to be removed shall be situate, upon such person or persons, or his, her, or their known servant or servants, proving to the satisfaction of the said respective commissioners of excise, or of the collector or supervisor of excise of the collection or district in which the place from whence such wine is intended to be removed is situate, that all the duties for such wine have been fully paid, and upon a request note, in writing, made and sent, or delivered, to such officer or officers of excise authorised to grant a permit thereupon, under and by virtue of this act, specifying the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required, and, if such wine be *French* wine, whether the same is *French* red wine, or *French* white wine, or, in case such wine is not *French* wine, whether the same is foreign red wine not *French*, or foreign white wine not *French*, and also the number and contents of the casks, bottles, jars, or vessels containing the same, and likewise whether the same is to be removed by land or by water, and by what mode of conveyance such wine is intended to be sent, to give and grant, without fee or reward, a permit or permits in writing, signed by such officer or officers, expressing the quantity of such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in such request note, according to the directions of this act, and expressing the name and names of the person or persons from whom the same is intended to be removed, and to whom the same is to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same hath been condemned as forfeited, or was part of the stock of some dealer or dealers, or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise, pursuant to this act; and all officers of excise, granting or giving such permit or permits, shall limit and express therein the time within which such wine, in such permit or permits mentioned, shall be removed from and out of the possession of the persons taking out such permit or permits, and also the time within which such wine shall be delivered and received into the possession of the person or persons respectively to whom the same is so permitted to be sent; and all such foreign wine, which shall be removed under a description not conformable to this act, or under a false description, together with

with the casks, bottles, jars, vessels, and other packages containing the same, and the horses, cattle, carts, boats, barges, and other carriages used in the removal or carriage thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

XXXIV. And be it further enacted by the authority aforesaid, That no foreign wine exceeding the quantity of three gallons, shall be removed or carried from any part of this kingdom to another, by land or by water, without being accompanied with a proper permit from some or one of the officers of excise, according to the directions of this act, on pain of forfeiting the wine which shall be found removing or carrying, or removed or carried from one part of this kingdom to another, without such permit as aforesaid, together with the casks, bottles, jars, vessels, and packages containing the same, and the horses, cattle, boats, barges, and other carriages used in such removal or carriage thereof.

Wine exceeding 3 gallons, forfeited, if found removing without permit.

XXXV. And be it further enacted by the authority aforesaid, That in case any such wine mentioned or specified in any such permit, shall be removed or sent away from or out of the ware-houses, storehouses, rooms, shops, cellars, vaults, and other places, or the person or persons to whom any such permit shall be granted, within the time expressed and limited therein, and such wine shall not, within the time limited and expressed in such permit, be actually delivered and received into the ware-houses, storehouses, rooms, shops, cellars, vaults, and other places of the person or persons to whom the same is by such permit authorized to be sent, then, and in every such case, all such wine so removed or sent away as aforesaid shall be deemed to be such wine removed without permit, unless it be proved, to the satisfaction of the said respective commissioners, that such wine, through unavoidable accident, could not have been delivered and received.

Wine removed, and not delivered in time limited, to be deemed removing without a permit.

XXXVI. Provided always, and be it further enacted, That if any such wine, casks, bottles, jars, vessels or packages, shall be so forfeited, under and by virtue of the next preceding section, the same shall be restored and delivered up without delay by the officer or officers seizing the same, to the person or persons having the charge or custody thereof at the time of such seizure, if such person or persons shall and do, before any one of his Majesty's justices of the peace residing near to the place where such seizure shall be made, enter into a recognizance, with one or more other sufficient surety, to be approved of by such justice of the peace, to his Majesty, his heirs, and successors, in double the value of such seizure (which recognizance such justice is hereby authorized and required to take), with condition to prove, within one month then next ensuing, to the satisfaction of the said respective commissioners of excise, that such wine, through unavoidable accident, could not have been so delivered and received, and upon such recognizance being entered into, such justice of the peace shall certify, upon the

but such wine shall be restored, on a recognizance being entered into, to prove it could not be delivered in time.

back of the permit accompanying fuch wine, that a recognizance has been entered into in purfuance of this act, and fhall alfo, by indorfement on fuch permit, allow fuch further time, as to him fhall feem meet, for fuch wine to be delivered and received into the warehoufes, ftorehoufes, rooms, fhops, cellars, vaults, and other places of the perfon or perfons to whom the fame was by fuch permit authorifed to be fent; and fuch indorfement fhall, during fuch further time, be of the fame force and effect as a permit granted according to the directions of this act; and fuch juftice fhall, and he is hereby required forthwith to tranfmit every fuch recognizance to the King's remembrancer in the courts of exchequer in *England* and *Scotland* refpectively.

If wine be not fent away by wholefale dealers agreeable to permits, they muft be returned, on penalty of treble the value;

XXXVII. And be it further enacted by the authority aforefaid, That if any permit or permits fhall be granted by any officer or officers of excife, to any dealer or dealers in or feller or fellers of foreign wine, for the removal of any foreign wine from one place to another, and if, within the times limited in fuch permit or permits refpectively for that purpofe, fuch dealer or dealers, or feller or fellers, to or for whom fuch permit or permits fhall be fo granted, fhall not either actually and really fend away all the wine by fuch permit or permits authorifed to be fent away purfuant to the true intent and meaning of fuch permit or permits, or, in default of fo fending away fuch wine, fhall not, before the expiration of the time limited in and by fuch permit and permits refpectively, return fuch permit and permits to the officer or officers who granted the fame, then, and in every fuch refpective cafe and cafes, fuch dealer or dealers, or feller or fellers, to whom fuch permit or permits, or for whofe ufe fuch permit or permits fhall have been granted, fhall for every gallon of fuch wine mentioned in fuch permit or permits, and not removed according to the purport thereof, forfeit and lofe treble the value of fuch wine, to be eftimated according to the beft and higheft rate and price which wine of the beft quality of that kind fhall fell for in *London* at the time when fuch forfeiture fhall be incurred; and if fuch permit or permits are not fo returned as aforefaid, and in cafe, upon taking an account, by any officer or officers of excife, of the ftock of foreign wine remaining in the hands or cuftody of the dealer or dealers, or feller or fellers, from or out of whofe ftock the wine mentioned in fuch permit or permits as aforefaid are thereby authorifed to be removed, there fhall not appear a fufficient decrease to answer the removal of the wine mentioned in fuch permit or permits as aforefaid, refpectively, then and in fuch cafe the refpective dealer or dealers, or feller or fellers, from or out of whofe ftock fuch wine mentioned in the faid permit or permits fhall be authorifed to be removed, fhall forfeit and lofe the like quantities of wine fo permitted to be removed, and not removed according to fuch permiffion, to be feized and taken by the officers of excife, or any or either of them, out of any foreign wine of the denomination given in fuch permit or permits

and if on taking ftock, a decrease proportionate to the contents of the permit does not appear, a like quantity may be feized, &c.

mits to the wine so authorized to be removed, and then in the custody or possession of the dealer or dealers, or feller or sellers, forfeiting the same; and if such dealer or dealers, or feller or sellers, shall not then have in his, her, or their custody or possession, such like quantity of wine of that denomination, then and in such case such dealer or dealers, or feller or sellers, shall forfeit and lose the sum of one hundred pounds.

XXXVIII. And be it further enacted by the authority aforesaid, That if any permit or permits, for the removal of any foreign wine from one place to another, shall be granted by any officer or officers of excise, to any person, other than a dealer or dealers in or feller or sellers of foreign wine by wholesale or retail, and if within the times limited in such permit or permits respectively for that purpose, such person or persons to or for whom such permit or permits shall be so granted, shall not either actually and really send away all the wine by such permit or permits authorized to be sent away, pursuant to the true intent and meaning of such permit or permits, or, in default of so sending away such wine, shall not, before the expiration of the time limited in and by such permit and permits respectively, return such permit and permits to the officer or officers who granted the same, then, and in every such respective case and cases, the person or persons, other than such dealer or dealers in or feller or sellers of foreign wine by wholesale or retail, to whom such permit or permits, or for whose use such permit or permits shall have been granted, shall, for every gallon of such wine mentioned in such permit or permits, and not removed according to the purport thereof, forfeit and lose treble the value of such wine, to be estimated according to the best and highest rate or price which wine of that kind shall sell for in *London* at the time when such forfeiture shall be incurred.

Private persons not removing wine agreeable to permits, must return them, on penalty of treble the value of the wine.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any permit for the removal of any foreign wine from one part of this kingdom to any other part thereof, and for the removal of which a permit is by this act required; or if any person or persons shall knowingly or willingly give any false or untrue permit for such removal of foreign wine, or shall knowingly or willingly accept or receive any false or untrue permit with any such wine removed or to be removed as aforesaid; or if any person or persons shall fraudulently alter or erase any such permit, after the same shall have been given or granted by the proper officer of excise; or if any person or persons shall knowingly or willingly publish or make use of any such permit, so counterfeited, forged, false, untrue, altered, or erased; every person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of five hundred pounds.

Persons giving or using false permits to forfeit 500l.

XL. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall counterfeit or forge, or cause to be counterfeited or forged, any certificate of such

Penalty on forging certificate of removal of such

such recognizance as is herein-before required to be taken, being entered into, or any such indorsement as is herein-before directed to be made, or shall knowingly or willingly give any such false or untrue certificate or indorsement, or shall knowingly or willingly accept or receive any such false or untrue certificate or indorsement with any such wine removed, or to be removed, as aforesaid, or shall fraudulently alter or erase any such certificate or indorsement granted or made by any such justice of the peace, or shall knowingly or willingly publish or make use of any such certificate or indorsement so counterfeited, forged, false, untrue, altered, or erased, the person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of five hundred pounds.

In every action for the said penalty, sufficient bail to be given.

XLII. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint, or information, entered or filed in any of his Majesty's courts of record at *Westminster*, or court of exchequer in *Scotland*, for any or either of the said penalties of five hundred pounds, a *capias* in the first process shall and may issue, specifying such penalty or penalties; and the defendant or defendants shall be obliged to give sufficient bail, by natural-born subjects, persons naturalized, or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the court out of which such *capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearance, give sufficient bail or security; by such persons as aforesaid, in the said court, to answer and pay such penalty or penalties of five hundred pounds, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison.

Wine fraudulently hid to be forfeited.

XLIII. And be it further enacted by the authority aforesaid, That in case any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with an intent to defraud his Majesty of the duties thereon, such foreign wine shall be forfeited and lost, together with the casks, bottles, jars, vessels, and packages whatsoever containing the same, and shall and may be seized by any officer or officers of the customs or excise; and, the better to enable such officer or officers to discover such foreign wine so fraudulently deposited, hid, or concealed, if any such officer or officers shall have cause to suspect that any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with intent to defraud his Majesty of the duties thereon, then, and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the chief office of excise in *London*; and if the officer or officers so having cause to suspect be an officer or officers of excise, upon oath made by such officer or officers, before the commissioners of excise for the time being, or any two or more of them, or, in case such place shall be in any other part of *Great Britain*; or if the officer or officers so having cause to suspect be an officer or officers of the customs, upon oath made by such officer or officers of the customs or excise, before

How officers are to proceed when they suspect wine is fraudulently deposited.

before one or more justice or justices of the peace for the county, riding, division, or place, where such officer or officers shall suspect the same to be deposited, hid, or concealed, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioners, or any two or more of them, or the justice or justices of the peace respectively, as the case may require, before whom such oath shall be made, if they or he shall judge it reasonable, by special warrant or warrants under his and their respective hands and seals, to authorize and empower such officer or officers, by day or by night, but, if in the night time, in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places, where he or they shall so suspect such foreign wine to be so fraudulently deposited, hid, or concealed, and seize and carry away all such foreign wine, which he or they shall then and there find so fraudulently deposited, hid, or concealed, as forfeited, together with all the casks, bottles, jars, vessels, and packages wherein the same shall be contained.

XLIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any of them, to go on board, and enter into any ship or vessel whatsoever, which shall be within the limits of any of the ports of this kingdom, or within four leagues of the coast thereof, and to continue on board the same, and to examine and search, in like manner as the officers of the customs may now legally do, for all foreign wine whatsoever, and to seize for his Majesty's use all such foreign wine there found, as by the laws thereunto relating shall be forfeited, together with the casks, bottles, jars, vessels, and packages containing the same, and also such ship or vessel, if the same shall be forfeited for or on account of such wine.

Officers of excise may go on board ships, and search them, in like manner as officers of the customs.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall give, or offer to give, any bribe, recompence, or reward whatsoever, to any officer or officers of excise, to connive at or permit any foreign wine to be run on shore, or to connive at any false or short entry of any such foreign wine; or shall give or offer to give, any bribe, recompence, or reward whatsoever, in order to corrupt, persuade, or prevail upon any such officer or officers, either to do or perform any act or acts, thing or things whatsoever, contrary to the duty of such officer or officers in execution of this act, or to neglect to do or perform any act or acts, thing or things, whatsoever, belonging or appertaining to the business and duty of such officer and officers in execution of this act, or to connive at or conceal any fraud or frauds relating to the duties on foreign wines, or not to discover the same, every such person or persons shall, for every such offence, whether the same offer or proposal be accepted or not, forfeit and lose the sum of one hundred pounds.

Persons attempting to corrupt officers, forfeit 100l.

XLV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall assault, resist, oppose,

Persons obstructing officers in the

execution of
their duty,
etc. forfeit
100l.

oppose, molest, obstruct, or hinder any officer or officers of excise in the due execution of this act, or of any of the powers or authorities hereby given or granted to any such officer or officers, or shall by force or violence rescue, or cause to be rescued, any foreign wine, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do, or, after such seizure, or whilst any such officer or officers is or are attempting to seize any such foreign wine, shall stove, break, or otherwise destroy or damage any cask, vessel, bottle, jar, or other package wherein the same shall be contained, all and every person or persons so offending shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and lose the sum of one hundred pounds.

No drawback
to be allowed
on the exportation
of wine, unless
the regulations
herein prescribed
are conformed to.

XLVI. And be it further enacted by the authority aforesaid, That no drawback of any duty on any foreign wine whatsoever shall be allowed, upon the exportation of such wine from this kingdom, unless such wine shall be exported under and subject to the rules, regulations, terms, conditions, and directions herein-after mentioned and prescribed, over and besides the rules, regulations, terms, conditions, and directions, other than where the same are altered by this act, now commonly practised or enforced by the officers of the customs, upon the exportation of such wine, in order to obtain the drawback or drawbacks upon the exportation thereof; (that is to say), The person or persons intending to ship and export any such wine shall, in case such wine is intended to be packed up for exportation, give six hours notice in writing, in case such wine is intended to be packed up within the limits of the chief office of excise in *London*, and twelve hours notice in writing, in case such wine is intended so to be packed up in any place out of the said limits in *Great Britain*, of his intention to pack up any such wine for exportation, and of the time and place when and where the same is intended to be packed up, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* and *Scotland*, or the major part of them for the time being, of the particular port or place to which such wine is intended to be exported, and of the quantity of such wine so to be shipped and exported; and if the same be *French* wine, whether it is *French* red wine, or *French* white wine, or, if such wine so to be shipped and exported be foreign wine, other than *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*; and such officer or officers shall attend to see such wine packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners of excise, or the major part of them, shall direct; and the officer or officers who shall have seen such wine packed up, shall take an account of the quantity of such wine so intended to be exported, and in such account shall specify (if the same be *French* wine) whether the same is *French* red wine

or *French* white wine, or, if such wine so intended to be exported be not *French* wine, whether the same be foreign red wine, not *French*, or foreign white wine, not *French*, and such officer or officers shall make a return thereof to the officer who shall be appointed by such respective commissioners of excise, or the major part of them, to receive the same, at the port of exportation, without any fee or reward for so doing; and the person or persons intending to ship any foreign wine for exportation, shall give six hours notice in writing, within the limits of the said chief office, and twelve hours notice in writing in other places in *Great Britain*, of the time and place of shipping such wine, unto such officer or officers of excise of the place where the same shall be shipped, as shall be appointed for that purpose by the said respective commissioners, or the major part of them for the time being, and of the name of the ship or vessel in which the same is intended to be shipped and exported, and of the master or commander thereof, and of the particular port or place to which wine is intended to be exported, and of the quantity of such wine so to be shipped and exported; and if such wine be *French* wine, whether the same be *French* red wine or *French* white wine; and if such wine, so to be shipped and exported, be not *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*; and if any such foreign wine so intended to be packed for exportation, shall not be begun to be packed, or if any such foreign wine, so intended to be exported, shall not be begun to be shipped, at the time mentioned for the respective purposes aforesaid in such notice respectively, or within one hour after such time, then such respective notices shall be void, and the like respective notices in writing shall be again given unto such officer or officers, previous to the packing up of such wine for exportation, or previous to the shipping of any foreign wine for exportation, as the case may require.

XLVII. And be it further enacted by the authority aforesaid, That if any person or persons (save and except the proper officer of the customs, and the officer of excise, at the port of exportation herein-after mentioned), shall open any such package, after the same has been so secured and sealed as aforesaid, or shall wilfully destroy or deface such seal or mark, every such person and persons, so offending, shall forfeit and lose, for every such offence, the sum of fifty pounds.

XLVIII. Provided always, and be it further enacted by the authority aforesaid, That the exporter of any such foreign wine shall also, before the shipping the same, give bond, with sufficient security, to be approved of by the respective commissioners of excise in *England* and *Scotland*, or the major part of them, or the person by them appointed for that purpose, in treble the amount of all the duties intended to be drawn back on such exportation of such wine, that the particular wine so intended to be exported, and every part thereof shall (the danger of the seas and enemies excepted) be shipped and exported to the port

Packages, sealed for exportation, not to be opened, etc. on penalty of sol.
Bond to be given for exportation of wine, and oath made that the duties thereon have been paid.

or place to which such wine is in such notice, in that behalf herein-before directed to be given, declared to be intended to be exported, and shall not be exported or carried to any other place or country whatsoever, and shall not be unshipped; unladed, or laid on land, or put on board any other ship, vessel, or boat, in *Great Britain*, (shipwreck or other unavoidable accident excepted); which bond the officer of excise of the port or place from whence such wine shall be exported, appointed for that purpose by the said respective commissioners of excise, or the major part of them for the time being, is hereby directed to take, in his Majesty's name, and to his Majesty's use; and the said exporter shall also, before the shipping of such foreign wine, make oath, that he believes the duties upon such foreign wine have been fully paid, which oath they the respective commissioners of excise, or any one or more of them for the time being, are, and the surveyor, or supervisor, or other officer appointed for that purpose by the said respective commissioners of excise, or the major part of them, for the time being, is hereby authorised and required to administer; and such respective commissioners of excise, or any one or more of them, or such surveyor or supervisor, or other officer, being satisfied of the truth of such oath, shall, within one month after the actual exportation of such wine, give to the said exporter, or his clerk or agent, a certificate or debenture, expressing the quantities of such wine so shipped; and, if such wine so shipped was *French* wine; whether the same was *French* red wine or *French* white wine; or if such wine so shipped was not *French* wine, whether the same was foreign red wine not *French*, or foreign white wine not *French*; and that all the duties hereby imposed on such wine have been paid for the same; and that bond, with sufficient security, hath been given, before the shipping the same, for the due exportation thereof; and such certificate or debenture being produced to the collector of excise of the port or place from whence such wines were so exported, he shall forthwith pay or allow the person or persons so exporting the same, or their agents, out of the duties by this act imposed on foreign wine, the following drawbacks or allowances, (that is to say);

Certificates of the quantity exported, &c. to be given to entitle exporter to the following drawbacks:

For every ton of *French* wine exported to America, or the *West Indies*, 19*l*. 13*s*. 6*d*.

For every ton of such *French* wine exported to any other place, 11*l*. 5*s*.

For every ton of other foreign wine to

For every ton of *French* wine, for which all duties due and payable in respect thereof have been fully paid, exported from this kingdom to any *British* colony or plantation in *America*, or to any part of the united states of *America*, or to any *British* settlement in the *East Indies*, as merchandize, the sum of nineteen pounds, thirteen shillings; and $\frac{1}{2}$ in proportion for any greater or lesser quantity:

And for every ton of such *French* wine, exported from this kingdom to any other part or place beyond the seas, as merchandize, the sum of eleven pounds, five shillings; and so in proportion for any greater or lesser quantity:

And for every ton of foreign wine, other than *French* wine, for which all the duties due and payable in respect thereof have been

been fully paid, exported from this kingdom, to any *Britifh* colony or plantation in *America*, or to any part of the united states of *America*, as merchandize, the fum of fourteen pounds, seven fhillings; and fo in proportion for any greater or leffer quantity:

And for every ton of fuch foreign wine, other than *French* wine, exported from this kingdom to any *Britifh* fettlement in the *East Indies*, as merchandize, the fum of nine pounds, feventeen fhillings; and fo in proportion for any greater or leffer quantity:

And for every ton of fuch foreign wine, other than *French* wine, exported as merchandize from this kingdom to any other part or place beyond the feas, the fum of five pounds, thirteen fhillings; and fo in proportion for any greater or leffer quantity.

And if fuch collector of excife fhall not have money in his hands to pay the fame, then the refpective commissioners of excife in *England* or *Scotland* are required to pay the faid drawback or allowances out of any money in their hands, arifing from the duties hereby impofed, or any of them: provided always, That it fhall and may be lawful for the officer attending the fhipping of fuch foreign wines, if he thinks it neceffary, at the port or place of exportation, and alfo for the proper officer of the customs, if he fhall think it neceffary, upon the fhipping any fuch wine for exportation, to open and examine fuch foreign wine as fhall be fo packed, in order that he may be fatisfied that fuch wines are the fame that are defcribed in the account fo fent by the officer in whole prefence any fuch wine was fo packed: provided always, That if, after the fhipping any fuch foreign wine, and the giving fuch fecurity as aforefaid, in order to obtain a drawback or allowance of any of the duties before paid thereupon, the fame wine, or any part thereof, fhall be unfhipped, unladed, or laid on land, or put into any other fhip, veffel, or boat, within this kingdom (fhipwreck, or other unavoidable accident, excepted), that then, and in every fuch cafe, over and above the penalty of the bond, which fhall be levied and recovered to his Majefty's ufe, all the faid wine which fhall be fo unfhipped, unladed, or laid on land, or put into any other fhip, veffel, or boat, within *Great Britain* (fhipwreck, or other unavoidable accident, excepted), or the value thereof, fhall be forfeited, and may be feized by any officer or officers of excife.

XLIX. And be it further enacted by the authority aforefaid, That fuch bond, herein-before directed to be given, fhall be difcharged in manner herein-after mentioned; (that is to fay), For fuch of the faid wines as fhall be entered for, or landed in *Ireland*, the condition of the bond fhall be, to bring in a certificate in difcharge thereof, within fix months from the date of the bond, and within twelve months for fuch of the faid wines as fhall be entered for, or landed in any other port or place in *Europe*; and within eighteen months for fuch of the faid wines as fhall be entered for, or landed in any of his

For every ton of other foreign wine to the *East Indies*, 9l 17s.

For every ton of other foreign wine to any other place, 5l 13s.

Drawbacks may be paid out of any monies arifing from duties impofed by this act.

Officers may open and infpect wine packed for exportation, and if any part be unfhipped to be forfeited.

How importation bonds are to be difcharged.

Majeſty's plantations in *America* or *Africa*, or any of the united ſtates of *America*; and within twenty-four months for ſuch of the ſaid wines as ſhall be entered for, or landed in any port or place at or beyond the *Cape of Good Hope*; which ſaid certificate for ſuch wine as aforeſaid as ſhall be landed in any port or place where any officer or officers of his Majeſty's cuſtoms ſhall be reſident, ſhall be ſigned by the proper officer or officers of his Majeſty's cuſtoms there, importing that ſuch wines were there landed, reſtiſying the landing thereof; and if no officer of his Majeſty's cuſtoms ſhall be reſident in ſuch port or place where ſuch wines ſhall be landed, ſuch certificate ſhall be ſigned by the *Britiſh* conſul, or other perſon acting as ſuch there, importing that ſuch wines were there landed, reſtiſying the landing thereof; and if no officer of his Majeſty's cuſtoms, or *Britiſh* conſul, or other perſon acting as ſuch, ſhall be reſident in ſuch port or place where ſuch wines ſhall be landed, ſuch certificate ſhall be under the common ſeal of the chief magiſtrate in ſuch port or place, or under the hands and ſeals of two known *Britiſh* merchants, then being at ſuch port or place, that ſuch wine was there landed; or ſuch bond or bonds ſhall be diſcharged, upon proof, in either of the ſaid caſes, that ſuch wines were taken by enemies, or periſhed in the ſeas, or by fire, or were ſpent and conſumed on board the ſhip or veſſel in which the ſame were exported during the voyage, the examination and proof thereof being left to the judgement of the ſaid reſpective commiſſioners of exciſe, or the major part of them, for the time being.

Officer not entitled to reward, unleſs notice of ſeizure be given within 12 hours.

Account of ſeized wine to be taken, and not removed without permit.

L. And be it further enacted by the authority aforeſaid, That no officer of the cuſtoms ſhall be entitled to any reward given on the ſeizure of any wine by virtue of this act, unleſs notice of ſuch ſeizure be by him given, within twelve hours next after ſuch ſeizure, at the next office of exciſe, or to the ſuperviſor of exciſe of the diſtrict where ſuch ſeizure ſhall be made, who ſhall be obliged, on ſuch notice, to take a particular account of the ſpecies and quantities of all ſuch wine ſo ſeized; nor ſhall any ſuch wine be afterwards removed without a permit or certificate ſigned by ſuch officer of exciſe, or ſuperviſor of the place or diſtrict from whence ſuch wine is to be removed, under the penalties of ſuch wine being forfeited, and the ſame ſhall and may be ſeized as forfeited by any other officer or officers of the cuſtoms, or by any officer or officers of exciſe.

No dealer in wine to act as a juſtice of peace in matters concerning this act.

L.I. And be it further enacted by the authority aforeſaid, That no perſon whatſoever, being a dealer in or ſeller of foreign wine, or who is or ſhall be anyway intereſted or concerned in the trade or buſineſs of dealing in or ſelling wine, ſhall, during ſuch time as he ſhall be ſo intereſted or concerned in the trade or buſineſs of dealing in or ſelling wine, act as a juſtice of the peace in any matter or thing whatſoever which ſhall anywiſe concern the execution of the powers or authorities given or granted by this act; and if any ſuch perſon or perſons ſhall, contrary to the true intent and meaning hereof, preſume to exerciſe any ſuch powers or authorities, or to do any act hereby authorized

authorised to be done by any justice or justices of the peace, all such acts, so executed or done by such person or persons, shall be utterly null and void, to all intents and purposes whatsoever.

LII. And be it further enacted by the authority aforesaid, That any person or persons who shall be convicted of wilfully taking a false oath, in any of the cases in which oaths are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Persons taking false oaths to be deemed wilful perjurors.

LIII. And be it further enacted by the authority aforesaid, That all the monies arising by the duties imposed by this act, (all costs, charges, and expences, of raising, receiving, collecting, levying, accounting for, and paying the same, being first deducted), shall from time to time be paid by the said respective commissioners of excise into the receipt of the exchequer, and shall be applied to the same uses and purposes, and under such regulations, as the monies arising by the said additional impositions, rates, or duties, and additional impositions or duties upon the produce thereof, by this act repealed, where applicable unto before the passing of this act.

Duties to be paid into the exchequer, and applied to the purposes of the repealed duties.

LIV. And be it further enacted by the authority aforesaid, That all and every the powers, directions, rules, penalties, forfeitures, clauses, matters, and things, which in and by an act, made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale, and other liquors, are provided and established, for managing, raising, levying, collecting, mitigating, or recovering, adjudging or ascertaining the duties thereby granted, or any of them, (other than in such cases for which other penalties or provisions are made and prescribed by this act), shall be practised, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, recovering, and paying the said duties upon foreign wine hereby granted, as fully and effectually as if all and every the said powers, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in this present act.

Powers of act 12 Car. 2. c. 24, etc. to be put in force, where not hereby repealed.

LV. And be it further enacted, by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

How penalties are to be recovered and divided.

LVI. And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons, for any thing by him or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within three months next after the matter or thing done, and ſhall be laid in the proper county, and the defendant or defendants in any ſuch action or ſuit may plead the general iſſue, and give this act and the ſpecial matter in evidence at any trial to be had thereupon; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their action or proſecution, or judgement ſhall be given againſt him, her, or them, upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt ſuch plaintiff or plaintiffs.

LVII. And be it further enacted, by the authority aforeſaid, That in caſe any information or ſuit ſhall be commenced and brought to trial, on account of the ſeizure of any wine ſeized as forfeited by virtue of this or any act or acts of parliament now in force, or hereafter to be made, relating to the duties on foreign wine, or of any ſhip, veſſel, or boat, or of any horſe, cattle, or carriage, uſed or employed in removing or carrying the ſame, wherein a verdict ſhall be found for the claimer thereof, and it ſhall appear to the judge or court, before whom the ſame ſhall be tried or heard, that there was a probable cauſe of ſeizure, the judge or court, before whom the ſame ſhall be tried or heard, ſhall certify that there was a probable cauſe for making ſuch ſeizure, and in ſuch caſe the claimant ſhall not be entitled to any coſts of ſuit whatſoever, nor ſhall the perſon or perſons who made ſuch ſeizure be liable to any action, indictment, or other ſuit or proſecution, on account of ſuch ſeizure; and that in caſe any action, indictment, or proſecution, ſhall be commenced and brought to trial againſt any perſon or perſons whatſoever, on account of the ſeizing any ſuch wine, or of any ſuch ſhip, veſſel, boat, horſe, cattle, or carriage, uſed or employed in removing or carrying the ſame, whether any information ſhall be brought to trial to condemn the ſame or not, and a verdict ſhall be given againſt the defendant or defendants, if the court or judge before whom ſuch action, indictment, or proſecution, ſhall be tried, ſhall certify that there was a probable cauſe for ſuch ſeizure, then the plaintiff, beſides the thing ſeized, or the value thereof, ſhall not be entitled to above two-pence damages, nor to any coſts of ſuit, nor ſhall the defendant in ſuch proſecution be fined above one ſhilling.

LVIII. And be it further enacted by the authority aforeſaid, That no writ or proceſs ſhall be ſued out againſt any officer or officers of the customs or exciſe, or againſt any perſon or perſons acting by his or their order, and in his or their aid, for any thing done in the execution, or by reaſon of this act, until one calendar month next after notice in writing ſhall have been delivered to him or them, or left at the uſual place of his or their

No proceſs to be ſued out till a month's notice has been given.

their abode, by the attorney or agent for the person or persons who intends or intend to sue out such writ or process as aforesaid, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person or persons in whose name such action is intended to be brought, and the name and place of abode of the said attorney or agent; and that a fee of twenty shillings, and no more, shall be paid for the preparing and serving of every such notice. Fee of notice.

LIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any such officer or officers, or other person or persons acting in his or their aid, to whom such notice shall be given as aforesaid, at any time within one calendar month after such notice shall be given, to tender amends to the person or persons complaining, or to his, her, or their agent or attorney, and in case such amends are not accepted, to plead such tender in bar to any action to be brought against him or them, grounded on such writ or process, together with the plea of not guilty, and any other plea or pleas, with leave of the court in which such action shall be brought; and if, upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant or defendants; and in such case, or in case the plaintiff or plaintiffs shall become nonsuited, or discontinued such action, or in case judgement shall be given for such defendant or defendants upon demurrer, then such defendant or defendants shall be entitled to the like costs as he or they would have been entitled to in case he or they had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants in such other plea or pleas, then they shall give a verdict for such plaintiff or plaintiffs, and such damages as they shall think proper. Tender of amends to be pleaded in bar of action.

LX. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff or plaintiffs, in any case where an action shall be grounded on any act done by the defendant or defendants, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or officers, or person or persons acting in his or their aid, unless it shall be proved on the trial of such action that such notice was given, and that in default of such proof the defendant or defendants in such action shall recover a verdict and costs as aforesaid. Costs.

LXI. And be it further enacted by the authority aforesaid, That in case any such officer or officers, or others acting in his or their aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court in which such action shall be brought, at any time before issue joined, to pay into court such sum of money as he shall see fit, No evidence to be produced except that contained in the notice, etc.

whereupon ſuch proceedings, orders, and judgements, ſhall be had, made, and given, in and by ſuch court, as in other actions where the defendant is allowed to pay money into court.

A *noli proſequi* may be entered where penalties have been unintentionally incurred.

LXII. And be it further enacted, That in caſe any proſecution ſhall be commenced by any officer or officers of the cuſtoms or exciſe for the recovery of any penalty incurred by virtue of this act, it ſhall and may be lawful for his Majeſty's attorney general, in caſe it ſhall appear to his ſatisfaction that ſuch penalty was incurred without any intention of fraud, to ſtop all further proceedings, by entering a *noli proſequi*, or otherwiſe, upon every ſuch information, as well with reſpect to the ſhare of ſuch forfeiture to which any officer or officers of his Majeſty's revenue ſhall be or may claim to be entitled, as to the ſhare thereof to his Majeſty belonging.

Goods unintentionally forfeited, be reſtored condition but the proprietors not be entitled to damages.

LXIII. And be it further enacted by the authority aforeſaid, That in caſe any goods or commodities whatever, or any ſhips, veſſels, boats, horſes, cattle, or carriages, ſhall be ſeized as forfeited, by virtue or in purſuance of this act; it ſhall and may be lawful for the commiſſioners of the cuſtoms or exciſe reſpectively, on evidence given to their ſatisfaction, that the forfeiture aroſe without any deſign or intention of fraud in the proprietor or proprietors of ſuch goods or commodities, ſhips, veſſels, boats, horſes, cattle, or carriages, to order the ſame to be reſtored to ſuch proprietor or proprietors, in ſuch manner and on ſuch terms and conditions as under the circumſtances of the caſe ſhall appear to the ſaid commiſſioners of the exciſe and cuſtoms reſpectively to be reaſonable, and as they ſhall think fit to direct; and if the ſaid proprietor or proprietors ſhall comply with the terms and conditions preſcribed by ſuch commiſſioners reſpectively, it ſhall not be lawful for the officer or officers who ſhall ſeize ſuch goods or commodities, ſhips, veſſels, boats, horſes, cattle, or carriages, or any other perſon or perſons whatever, on his or their behalf, to proceed in any manner for the condemnation thereof; but if ſuch proprietor or proprietors ſhall not comply with the terms and conditions preſcribed by the ſaid commiſſioners reſpectively, ſuch officer or officers ſhall be at liberty, and is and are hereby authorized to proceed for the condemnation of ſuch goods or commodities, ſhips, veſſels, boats, horſes, cattle, or carriages, as if this law had not been made; and if ſuch proprietor or proprietors ſhall accept the terms and conditions preſcribed by the ſaid commiſſioners of the cuſtoms and exciſe, ſuch proprietor or proprietors ſhall not have, or be entitled to any recompence or damage on account of the ſeizure or detention of ſuch goods or commodities, ſhips, veſſels, boats, horſes, cattle, or carriages, or have or maintain any action whatever for the ſame; any law, cuſtom, or uſage to the contrary notwithstanding.

Recital of act 23 Geo. 3. c. 76.; and

LXIV. And whereas, by an act made in the twenty-third year of the reign of His preſent Majeſty, intituled, An act for the better preventing frauds in the landing and removing of wines in this kingdom, and to prevent the relanding of refined ſugar, entered for

for exportation, to obtain the drawback or bounty; it was enacted, That, from and after the first day of September, one thousand seven hundred and eighty-three, no wine of any sort, in any hoghead, or other cask whatsoever, should be removed or carried, either by land or by water, from any outport, creek, or haven, in Great Britain, not being within the limits of the port of London, to any other town, port, or place whatsoever, within the same kingdom, without a certificate first had and obtained from the collector and comptroller, or the chief officer of the customs at or nearest to the town, port, or place from which such wine was intended to be so removed, certifying that the duties due and payable for such wine had been paid at the port or place of importation, or that the same was wine sold for salvage, or that the same had been compounded for, or condemned, as the case might be, referring to the time when, and the place where, such wine was entered, sold, compounded for, or condemned, and expressing the quantity and sort of wine, with the marks of the package thereof, to what place, and to whom the same was consigned, and by what carriage, and by whom the same was intended to be removed, which facts should be verified by the oath of the importer or proprietor of such wine; and if the wine was to be removed by land, the certificate should also express and limit the time for which such certificate should continue in force: and whereas by an other act, made in the twenty-fourth year of the reign of his said Majesty, intituled, An act to revive and continue several laws relating to the allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America; and to the allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages; and to extend the provisions of an act of the twenty-third year of his present Majesty, relative to the removal of wine in casks, to wine removed in bottles, and other packages; reciting the said clause herein-before recited of the said act, made in the twenty-third year of his said present Majesty's reign, and that great quantities of wine which had been clandestinely imported into the out-ports of this kingdom, and run on shore without payment of the duties due for the same, had been afterwards removed from thence to other parts within this kingdom, and into the port of London, in bottles and other small packages, it was enacted, That, from and after the twentieth day of September, one thousand seven hundred and eighty four, the said in part recited act, and every clause and matter therein, so far as the same related to the removal of wine in hogheads or other casks, or inflicted any penalty or forfeiture upon the removal of such wine without such certificate, or upon persons who should falsely make oath to any of the facts therein required to be sworn, or who should forge, counterfeit, erase, alter, or falsify any certificate, or knowingly make use of any certificate so forged, counterfeited, erased, altered, or falsified, should extend, and be construed to extend, in like manner, to the removal of any sort of wine in bottles, or any other packages whatsoever, as fully, to all intents and purposes, as if the several clauses, restrictions, penalties, and forfeitures relative thereto were again repeated and re-enacted in that act: and whereas the good purposes by the said clauses

Act 24 Geo.
3. sess. 2. c.
50.

Clauses of the
intended, recited acts,

forbidding the removal of wine from any one port with out certificates, repealed.

Commencement of this act.

intended, will be effectually answered by the provisions of this act, and the said clauses will therefore be unnecessary to be continued in force; be it therefore enacted by the authority aforesaid, That the said recited clauses shall be, and the same are hereby repealed.

LXV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained in respect whereof no special commencement is hereby directed or provided, from and immediately after the fifth day of July, one thousand seven hundred and eighty-six.

C A P. LX.

An act for the further increase and encouragement of shipping and navigation.

Preamble.

WHEREAS the wealth and strength of this kingdom, and the prosperity and safety of every part of the British empire, greatly depend on the encouragement given to shipping and navigation: and whereas it is proper that the advantages hitherto given by the legislature to ships owned and navigated by his Majesty's subjects should from henceforth be confined to ships wholly built and fitted out in his Majesty's dominions: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty six, no ship or vessel foreign-built (except such ships or vessels as have been or shall hereafter be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty), nor any ship or vessel built or rebuilt upon any foreign-made keel or bottom, in the manner heretofore practised and allowed, although owned by British subjects, and navigated according to law, shall be any longer entitled to any of the privileges or advantages of a British-built ship, or of a ship owned by British subjects; and that all the said privileges and advantages shall hereafter be confined to such ships only as are wholly of the built of Great Britain or Ireland, Guernsey, Jersey, and the Isle of Man, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, which now belong, or at the time of building such ships or vessels did belong, or which may hereafter belong to, or be in the possession of his Majesty, his heirs or successors: provided always, That nothing herein-before contained shall extend, or be construed to extend, to prohibit such foreign-built ships or vessels only as, before the first day of May, one thousand seven hundred and eighty-six, did truly and without fraud wholly belong to any of the people of Great Britain or Ireland, Guernsey, Jersey, and the Isle of Man, or of any of the aforesaid colonies, plantations, islands, or territories, as the proprietors and right owners thereof, and which

From Aug. 1, 1786, no ship built out of his Majesty's dominions except prizes, shall be entitled to the privileges of a British ship; but foreign ships, built before May 1, 1786, not hereby to be deprived of the privileges they now enjoy, &c.

which ſhall be navigated according to law, and ſhall alſo be re-
 giftered in manner herein-after directed, from continuing to
 enjoy the privileges and advantages they have hitherto enjoyed,
 or from importing or exporting ſuch goods or commodities as
 may now be legally imported or exported by ſuch ſhips or veſ-
 ſels, into and from ſuch ports and places as is now by law al-
 lowed, and under ſuch rules, regulations, and reſtrictions as
 have heretofore been made touching ſuch foreign-built ſhips or
 veſſels, and ſubject and liable to all ſuch duties as have been
 impoſed on any goods or commodities imported or exported as
 aforeſaid in ſuch foreign-built ſhips or veſſels, by any act or acts
 of parliament: and provided alſo, That nothing herein con-
 tained, ſhall extend or be conſtrued to extend, to deprive any
 ſhip or veſſel, which before the paſſing of this act hath been
 built or rebuilt upon any foreign-made keel or bottom, and
 which, before the ſaid firſt day of *May*, one thouſand ſeven
 hundred and eighty-fix, was duly regiſtered as a *Britiſh* ſhip,
 from continuing to enjoy any privilege or advantage to which
 ſuch ſhip or veſſel is now by any law or uſage entitled; nor to
 prevent any ſuch ſhip or veſſel which ſhall have been begun
 to be repaired, or rebuilt before the ſaid firſt day of *May*, one
 thouſand ſeven hundred and eighty-fix, from being regiſtered
 according to, and in purſuance of this act, by an order under
 the hands of the commiſſioners of his Maſteſty's cuſtoms in
England, or any four or more of them, or of the commiſſioners
 of his Maſteſty's cuſtoms in *Scotland*, or any three or more of
 them; which order the laid commiſſioners reſpectively are here-
 by authorized and impowered to grant, if it ſhall be made ap-
 pear to the ſatisfaction of the ſaid commiſſioners reſpectively
 upon oath, that ſuch ſhip or veſſel was ſtranded by the act of
 providence, and not with a fraudulent intent; and was, at the
 time of being ſo ſtranded, the ſole property of ſome foreigner or
 foreigners; or that ſuch ſhip or veſſel was a droit of admiralty,
 and it be in like manner fully and clearly aſcertained, to the ſa-
 tisfaction of ſuch commiſſioners reſpectively, that the ſaid ſhip
 or veſſel, from the damage received by being ſo ſtranded, was
 rendered unfit to proceed to ſea without undergoing a thorough
 repair in this kingdom, and that ſhe was neceſſarily ſold for
 the benefit of the foreign owner or owners, or, being a droit of
 admiralty, was ſold by virtue and under the authority of an or-
 der or commiſſion from the court of admiralty, and that ſhe was
 fairly and openly purchaſed by a *Britiſh* ſubject or ſubjects, and,
 being the ſole and intire property of ſuch *Britiſh* ſubject or ſub-
 jects, that ſhe hath been ſo much repaired that two-thirds of
 her at the leaſt are of *Britiſh*-built.

II. And be it further enacted by the authority aforeſaid, No ſhip re-
 That, from and after the firſt day of *Auguſt*, one thouſand ſeven built, or where
 hundred and eighty-fix, no ſhip or veſſel ſhall be deemed or repairs ex-
 taken to be *Britiſh*-built, or enjoy the privileges thereunto be- ceed 15s. per
 longing, which ſhall from thenceforth be rebuilt or repaired in ton, in a fo-
 any foreign port or place, if ſuch repairs ſhall exceed the ſum of reign port, to
 be deemed
 fifteen *Britiſh* built.

Exception in
favour of ex-
traordinary
damages ſuf-
tained on
voyages.

fifteen ſhillings for every ton of the ſaid ſhip or veſſel according to the admeaſurement thereof, unleſs ſuch repairs ſhall be neceſſary by reaſon of extraordinary damage ſuſtained by ſuch ſhip or veſſel during the abſence of ſuch ſhip or veſſel from his Ma-
jeſty's dominions, to enable her to perform the voyage in which ſhe ſhall be then engaged, and to return in ſafety to ſome port or place of the ſaid dominions; and that before ſuch ſhip or veſſel ſhall be repaired, ſo as to exceed the ſum aforeſaid, the maſter, or other perſon having or taking the charge or com-
mand of ſuch ſhip or veſſel, ſhall report the ſtate and condition thereof upon oath, or (being a quaker) upon affirmation, to the *British* conſul, or other chief *British* officer, if there ſhall be ſuch conſul or officer at the port where it ſhall be neceſſary to repair ſuch ſhip or veſſel, and ſhall cauſe ſuch ſhip or veſſel to be ſurveyed by two fit and proper perſons to be approved of by ſuch conſul or chief *British* officer; and ſhall deliver to ſuch conſul or chief *British* officer, in writing, the particulars of the damage ſuſtained by ſuch ſhip or veſſel, and ſhall verily upon oath, or (being a quaker) upon affirmation, (to be adminiſtered by ſuch conſul or chief *British* officer), the particulars and amount of the repairs of ſuch ſhip or veſſel; and that the ſame were become neceſſary in conſequence of damage ſuſtained during the voyage to that port, to enable ſuch ſhip or veſſel to pro-
ſecute the voyage then intended, and to return to ſome port or place of his Maſteſty's dominions, which the ſaid conſul, or chief *British* officer, is hereby required to certify under his hand and ſeal; and if there ſhall not be any *British* conſul, or chief *British* officer, reſident at or near the port or place where ſuch repairs may be neceſſary, then that ſuch ſurvey ſhall be made by two fit and proper perſons, to be approved of by two known *British* merchants reſiding at or near ſuch port or place; and that ſuch maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall produce to ſuch mer-
chants as aforeſaid, vouchers of the particulars and amount of the repairs of ſuch ſhip or veſſel, whoſe certificate of the ſame ſhall be of the like force and effect as that of the *British* conſul, or chief *British* officer reſident in any foreign port or place; and in caſe any ſhip or veſſel ſhall, after the ſaid fiſt day of *Auguſt*, one thouſand ſeven hundred and eighty-
ſix, be repaired in any foreign port or place, the maſter, or other perſon having or taking the charge or command there-
of, ſhall make proof on oath, or (if a quaker) by affirma-
tion, before the collector and comptroller, or other principal officer of the cuſtoms in the port of his Maſteſty's dominions where the ſaid ſhip or veſſel may fiſt arrive (if required by them ſo to do; which oath or affirmation the ſaid collector and comp-
troller, or other principal officer, or either of them, is and are hereby authorized and impowered to adminiſter), deſcribing the nature and amount of the charge or expence of ſuch re-
pairs; and if ſuch charge or expence ſhall appear to exceed the before-mentioned ſum of fifteen ſhillings for every ton of the
admeaſure-

Expences of
repairs to be
certified, on
arrival, to an
officer of the
cuſtoms.

admeasurement of ſuch ſhip or veſſel, and the ſaid maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall neglect or reſuſe to deliver to ſuch collector and comptroller, or principal officer of the cuſtoms, or to one of them, the certificate ſo required to be produced in ſuch caſes as aforeſaid, *the ſaid ſhip or veſſel ſhall be deemed and taken to be a foreign-built ſhip or veſſel, to all intents and purpoſes whatever.

III.—*And whereas it is highly expedient that the proviſions made for the registry of ſhips and veſſels by an act, made and paſſed in the ſeventh and eighth years of the reign of his late majeſty King William the Third, (intituled, An act for preventing frauds, and regulating abuſes in the plantation trade), ſhould be altered and amended, and that the ſame ſhould be extended and applied to ſhips and veſſels other than thoſe which are therein particularly deſcribed; be it therefore enacted, That all and every ſhip or veſſel having a deck, or being of the burthen of fifteen tons, or upwards, belonging to any of his Majeſty's ſubjects in Great Britain, or Guernſey, Jerſey, and the Iſle of Man, or of any of the aforeſaid colonies, plantations, iſlands, or territories, ſhall, from and after the reſpective times herein-after expreſſed, be regiſtered in manner herein-after mentioned; and that the perſon or perſons claiming property therein ſhall cauſe the ſame to be regiſtered, and ſhall obtain a certificate of ſuch registry from the collector and comptroller of his Majeſty's cuſtoms in Great Britain or the Iſle of Man, or from the governor, lieutenant governor, or commander in chief, and principal officer or officers of his Majeſty's revenue of cuſtoms, reſiding in the iſlands of Guernſey or Jerſey, or in any of the ſaid colonies, plantations, iſlands, or territories, reſpectively, in manner herein-after directed; and that the form of ſuch certificate ſhall be as follows; videlicet:*

Proviſions of act 7 & 8 Gul. 3 c. 22 to be extended to veſſels of 15 tons, and upwards, and certificates of registry obtained.

In purſuance of an act, paſſed in the twenty-fixth year of the reign of King George the Third, intituled, An act [here inſert the title of the act, the names, occupation, and reſidence, of the ſubſcribing owners], having taken and ſubſcribed the oath required by this act, and having ſworn that he, [or, they,] together with [names, occupation, and reſidence of non-ſubſcribing owners,] is [or are] ſole owner [or, owners] of the ſhip or veſſel called the [ſhip's name] of [place to which the veſſel belongs], whereof [maſter's name] is at preſent maſter, and that the ſaid ſhip or veſſel was [when and where built, or captured, and date of condemnation]; and [name and employment of the ſurveying officer] having certified to us that the ſaid ſhip or veſſel is [whether Britiſh, Foreign, or Britiſh plantation built], has [number of decks] decks, and [number of maſts] maſts, that her length, from the fore part of the main ſtem to the after part of the ſtern poſt aloft, is [number of feet and inches], her breadth at the broadest part, whether above or below the main wales, [number of feet and inches], her height between decks [number of feet and inches, if more than one deck, and if not, then] the depth

Certificate of Britiſh registry.

depth of the hold [number of feet and inches], and admeſures [burthens] tons that ſhe is a [kind of veſſel, and how built], has [whether any or no gallery] gallery, and [kind of head, if any] head; and the ſaid ſubſcribing owners having conſented, and agreed to the above deſcription and admeaſurement, and having cauſed ſufficient ſecurity to be given, as is required by the ſaid act, the ſaid [kind and name of the veſſel] has been duly regiſtered at the port of [name of the port].

Given under our hands and ſeals of office, at the cuſtom-houſe in the ſaid port of [name of the port], this [date] day of [name of the month], in the year [words at length].

IV. And be it further enacted by the authority aforeſaid, That no ſuch registry ſhall hereafter be made, or certificate thereof granted, by any perſon or perſons herein-before authorized to make ſuch registry, and grant ſuch certificate, in any other port or place than the port or place to which ſuch ſhip or veſſel ſhall properly belong, except ſo far as relates to ſuch ſhips or veſſels as ſhall be condemned as prizes in any of the iſlands of *Guernſey, Jerſey, or Man*, which ſhips or veſſels ſhall in future be regiſtered in manner herein-after directed; but that all and every registry and certificate granted in any port or place to which any ſuch ſhip or veſſel does not properly belong, ſhall be utterly null and void, to all intents and purpoſes, unleſs the officers aforeſaid ſhall be ſpecially authorized and impowered to make ſuch registry, and grant ſuch certificate, in any other port, by an order in writing under the hands of any four or more of the commiſſioners of his Maſteſty's cuſtoms in *England*, or of any three or more of the commiſſioners of his Maſteſty's cuſtoms in *Scotland*, for the time being, which order the ſaid commiſſioners are hereby reſpectively authorized and impowered to iſſue, in manner aforeſaid, if they ſhall ſee fit.

V. And be it further enacted by the authority aforeſaid, That the port to which any ſhip or veſſel ſhall hereafter be deemed and taken to belong, within the intent and meaning of this act, ſhall be, and is hereby declared to be, the port from and to which ſuch ſhip or veſſel ſhall uſually trade, or (being a new ſhip) ſhall intend ſo to trade, and at or near which the huſband, or acting and managing owner or owners of ſuch ſhip or veſſel uſually reſides or reſide.

VI. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to require to be regiſtered, according to the directions of this act, any ſhip or veſſel of war, or any other veſſel, of whatever built the ſame may be, or under whatever deſcription the ſame may fall, being the property of his Maſteſty or the royal family, or any of them, or any lighters, barges, boats, or veſſels of any built or deſcription whatever, uſed ſolely in rivers or inland navigation.

VII. And it is hereby declared, That no ship or vessel built in any of the colonies of *North America*, now called, *The United States of America*, during the time that any act or acts of parliament made in *Great Britain*, prohibiting trade and intercourse with those colonies, was or were in force, nor any ship or vessel which was owned by, or belonged to the subjects of the said united states, or of any of the said states respectively, during the existence of those acts, and not registered before the commencement thereof, is or shall be entitled to be registered under this present act, or to any of the privileges or advantages of a *British* built ship or vessel, unless such ship or vessel shall have been taken and condemned as lawful prize, or, having been stranded, shall have been built or rebuilt, and registered in the manner heretofore practised and allowed.

No ship built in the united states of America, etc. during the existence of any prohibitory acts, entitled to be registered.

VIII. And be it enacted by the authority aforesaid, That no subject of his Majesty, his heirs and successors, whose usual residence is in any country not under the dominion of his Majesty, his heirs and successors, shall be deemed or intitled, during the time he shall continue so to reside, to be the owner in whole or in part of any *British* ship, or vessel, required and authorised to be registered by virtue of this act, unless he be a member of some *British* factory, or agent for, or partner in, any house or copartnership, actually carrying on trade in *Great Britain* or *Ireland*.

No subject residing out of his Majesty's dominions, to be entitled to be the owner of any ship, authorised to be registered, except a member of a factory, etc.

IX. And be it further enacted by the authority aforesaid, That so much of the said recited act passed in the seventh and eighth years of the reign of his late majesty King *William* the Third, as directs the oath therein contained to be taken on registering the ships and vessels therein described, shall be, and the same is hereby repealed.

Oath required by the recited act of Gul. 3. repealed.

X. And be it also enacted by the authority aforesaid, That no registry shall henceforth be made, or certificate granted, until the following oath be taken and subscribed before the person or persons herein-before authorised to make such registry, and grant such certificate respectively, (which they are hereby respectively impowered to administer) by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only; or, in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such register is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, or by one of such owners, if all shall be resident at a greater distance.

No registry to be made, etc. till the following oath be taken.

I A. B. of [place of residence and occupation] do make oath,
That the ship or vessel [name] of [port or place] whereof [ma-
ster's

ster's name] is at present master, being [kind of built, burthen, &c. as described in the certificate of the surveying officer] was [when and where built, or if prize, capture, and condemnation] and that I the said A.B. [and the other owners names and occupations, if any, and where they respectively reside, *vielicet*, Town, place or parish, and county, or if member of, and resident in any factory in foreign parts, or in any foreign town or city, being an agent for, or partner in any house, or copartnership actually carrying on trade in Great Britain or Ireland, the name of such factory, foreign town or city, and the names of such house or copartnership] am [or are] sole owner [or owners] of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said A.B. [and the said other owners, if any] am [or are] truly and bona fide a subject [or subjects] of Great Britain; and that I the said A.B. have not [nor have any of the other owners, to the best of my knowledge and belief] taken the oath of allegiance to any foreign state whatever [except under the terms of some capitulation, describing the particulars thereof], or that since my taking [or his or their taking] the oath of allegiance to [naming the foreign states respectively to which he or any of the said owners shall have taken the same] and prior to the passing of an act in the twenty-sixth year of the reign of King George the Third, (intituled, An act for the further increase and encouragement of shipping and navigation), I have [or he or they hath or have] become a subject [or subjects] of Great Britain [either by his Majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively] or [as the case may be] I have [or he or they hath or have] become a denizen [or denizens, or naturalized subject or subjects, as the case may be] of Great Britain, by his Majesty's letters patent, or by an act of parliament passed since the first day of January, one thousand seven hundred and eighty-six, [naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts for naturalization have passed respectively], and that no foreigner, directly or indirectly, hath any share or part or interest in the said ship or vessel.

Addition to be made to the oath when the requisite number of members do not attend.

XI. And be it further enacted by the authority aforesaid, That, in case the number of joint owners or proprietors of any ship or vessel shall amount to three or more, and three of such joint owners or proprietors shall not personally attend to take and subscribe the oath herein-before directed to be taken and subscribed, then, and in such case, such owner or owners, proprietor or proprietors, as shall personally attend, and take and subscribe the oath aforesaid, shall further make oath, that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief,

belief, wilfully absented himself or themselves, in order to avoid the taking the oath herein-before directed to be taken and subscribed, or is or are prevented by illness from attending to take and subscribe the said oath.

XII. And, in order to enable the proper officer or officers of his Majesty's customs to grant a certificate, truly and accurately describing every ship or vessel to be registered in pursuance of this act, and also to enable all other officers of his Majesty's customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted; be it enacted by the authority aforesaid, That, previous to the registering or granting of any certificate of registry as aforesaid, some one or more proper person or persons, appointed by the commissioners of his Majesty's customs in England and Scotland, or by the governor, lieutenant governor, or commander in chief for the time being in the islands of Guernsey, Jersey, and Man, or of the colonies, plantations, islands, or territories aforesaid respectively (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel, as to all and every particular contained in the form of the certificate herein-before directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or, in his or their absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person or persons who shall be authorized as aforesaid to make such registry and grant such certificate of registry; and the said master, or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of such surveying or examining officer in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Ships to be examined, etc. before certificates are granted, etc.

XIII. And be it also enacted by the authority aforesaid, That if such person or persons so appointed to examine and admeasure such ships or vessels as aforesaid, shall wilfully deliver to any person or persons authorized to make registry and grant certificates of registry as aforesaid, a false description of any of the particulars hereby required to be contained in such certificate; or if any person or persons herein-before authorized to make such registry, and grant such certificates of registry, shall knowingly make any false register, or grant any false certificate, in regard to any of the particulars required by this present act, he or they, on being convicted thereof by due course of law, in any of his Majesty's courts of record at Westminster, in the court of justiciary, or the court of exchequer in Scotland, or in any court of record in the said colonies, plantations, islands, or territories,

Persons giving false descriptions, or making false registries, etc. of ships, forfeit fool.

or in the royal court in *Guernsey* or *Jersey*, or in the superior court of justice in the *Isle of Man*, as the case may be, shall respectively forfeit the sum of one hundred pounds, and be forever incapable of holding or enjoying any office or employment under his Majesty.

Method of as-
certaining
tonnage, when
vessels are
afloat.

XIV. *And whereas the officer or officers so appointed to examine and admeasure such ships and vessels as aforesaid, may not always be enabled to cause such ship or vessel to be laid on shore, for the purpose of ascertaining her tonnage, according to the rule now by law prescribed for that purpose: and whereas it would in some cases endanger such ship or vessel so to do: be it therefore enacted by the authority aforesaid, That in cases where it may be necessary to ascertain the tonnage of any such ships or vessels when afloat, the following method shall be observed; videlicet, Drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern post, at the load water mark; then measure from the top of the said plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load water mark, at the fore part of the main stem, subtracting from such measurement the above distance, the remainder will be the ship's extreme length, from which is to be deducted three inches for every foot of the load draught of water, for the rake abaft, and also three fifths of the ship's breadth, for the rake forward, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank, in the broadest part of the ship, either above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought upon the side of the ship; then multiplying the length of the keel for tonnage, by the breadth so taken, and that product by half the breadth, and dividing by ninety-four, the quotient shall be deemed the true contents of the tonnage: provided always, that nothing herein-before contained shall in anywise be construed to alter the manner of admeasuring the tonnage of any ship or vessel which has heretofore been practised for the purpose of ascertaining the light duties, or any other duties or imposts whatever, payable according to the tonnage of any ship or vessel.*

Bond to be
given, not to
lend certifi-
cates, and to
return them
in cases herein
specified.

XV. *And be it further enacted by the authority aforesaid, That, at the time of obtaining the certificate of registry as aforesaid, sufficient security by bond shall be given to his Majesty, his heirs and successors, by the master and such of the owners as shall personally attend, as is herein-before required, such security to be approved of and taken by the person or persons herein-before authorized to make such registry, and grant such certificates of registry, at the port or place in which such certificate shall be granted, in the penalties following; (that is to say) If such ship or vessel shall be a decked vessel, or be above the burthen of fifteen tons, and not exceeding fifty tons, in the penalty of one hundred pounds; if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of three*

three hundred pounds; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, in the penalty of one thousand pounds: and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of, to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship shall be lost, or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in his Majesty's dominions, to the collector and comptroller of some port in *Great Britain*, or of the *Ile of Man*, or of the *British* plantations, or to the governor, lieutenant governor, or commander in chief, for the time being, of the islands of *Guernsey* or *Jersey*; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole, or any part or share of, or any interest in such ship or vessel, and the same shall be within the limits of any port in *Great Britain*, *Guernsey*, *Jersey*, *Man*, or the *British* colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons hereinbefore authorised to make registry, and grant certificates of registry, at such port or place respectively, as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, at the foreign port or place in or at which the master, or other person having or taking the charge or command of such ship or vessel, shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master, or other person who had the command thereof at the time of such purchase or transfer of property at sea, shall not arrive at a foreign port, but shall arrive at some port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or his Majesty's said colonies, plantations, islands, or territories, then that the same shall be delivered up in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or any of his Majesty's said colonies, plantations, islands, or territories: and that if any pass, commonly called *A Mediterranean Pass*, shall have been obtained

Mediterranean passes to be delivered up with certificates.

or procured for any such ship or vessel, then and in such case the same shall be delivered up at the same time, and in like manner, with the certificate of registry aforesaid, to the person or persons herein-before authorised to receive such certificate of registry: and such certificates so delivered up shall forthwith be transmitted to the commissioners of his Majesty's customs in *England* and *Scotland* respectively: and such *Mediterranean* passes shall be also transmitted to the commissioners for executing the office of lord high admiral of *Great Britain*, by the person or persons herein-before authorised to receive such certificates and passes, in order that the same may be cancelled.

Tenor of indorsements on certificates of registry, etc.

XVI. And whereas the provisions made in and by the said recited act, touching the indorsement on certificates of registry, in case of any alteration of the property in any ship or vessel, in the same port to which the ship or vessel belongs, have been found insufficient; be it therefore enacted by the authority aforesaid, That, in every such case, besides the indorsement required by the said recited act, there shall also be indorsed on the certificate of registry, before two witnesses, the town, place, or parish where all and every person or persons to whom the property in any ship or vessel, or any part thereof, shall be so transferred, shall reside; or if such person or persons usually reside in any country not under the dominion of his Majesty, his heirs and successors, but in some *British* factory, the name of such factory of which such person or persons is or are member or members; or if such person or persons reside in any foreign town or city, and are not members of some *British* factory, the name of such foreign town or city where such person or persons usually reside, and also the names of the house or copartnership in *Great Britain* or *Ireland*, for or with whom such person or persons is or agent or partner, or agents or partners; and the person or persons to whom the property of such ship or vessel shall be so transferred, or his or their agent, shall also deliver a copy of such indorsement to the person or persons authorised to make registry, and grant certificates of registry, as aforesaid, who are hereby required to cause an entry thereof to be indorsed on the oath or affidavit upon which the original certificate of registry of such ship or vessel was obtained; and shall also make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the commissioners of his Majesty's customs in *England* or *Scotland*, under whom they respectively act.

Certificate to be recited in all transfers of property.

XVII. And be it further enacted by the authority aforesaid, That when and so often as the property in any ship or vessel, belonging to any of his Majesty's subjects, shall be transferred to any other or others of his Majesty's subjects, in whole or in part, the certificate of the registry of such ship or vessel shall be truly and accurately recited, in words at length, in the bill or other instrument of sale thereof, and that otherwise such bill or sale shall be utterly null and void, to all intents and purposes.

XVIII. And be it further enacted by the authority aforesaid, That

That when and fo often as the mafter, or other perfon having or taking the charge or command of any fhip or veffel, registered in manner herein-before directed, fhall be changed, the mafter or owner of fuch fhip or veffel fhall deliver to the perfon or perfons herein-before authorized to make fuch registry, and grant fuch certificates of registry, at the port where fuch change fhall take place, the certificate of registry belonging to fuch fhip or veffel; who fhall thereupon indorfe and fubfcribe a memorandum of fuch change, and fhall forthwith give notice of the fame to the proper officer of the port or place where fuch fhip or veffel was laft registered purfuant to this act; who fhall likewife make a memorandum of the fame in the book of registers which is hereby directed and required to be kept, and fhall forthwith give notice thereof to the commiffioners of his Majefty's customs in England and Scotland refpectively.

Changes of
mafters of
velfels to be
indorfed on
certificates of
registry, &c.

XIX. And whereas many frauds are committed by the frequent change of names given to fhips and veffels, and the difficulty of comparing the entry in the book of registers, herein-after directed to be kept by all fuch perfon or perfons as are authorized to register fhips and veffels, and to grant certificates of the fame, with the registers of which they claim the benefit, is thereby greatly increafed; be it therefore enacted by the authority aforefaid, That it fhall not be lawful for any owner or owners of any fhip or veffel to give any name to fuch fhip or veffel, other than that by which the was firft registered in purfuanee of this act; and that the owner or owners of all and every fhip or veffel which fhall be fo registered, fhall, within one month from the time of fuch registry, paint or caufe to be painted, in white or yellow letters, of a length not lefs than four inches, upon a black ground, on fome conspicuous part of the ftern (provided there fhall be fufficient fpace for that purpofe, but if not, then in letters as large as fuch fpace will admit) the name by which fuch fhip or veffel fhall have been registered purfuant to this act, and the port to which fhe belongs, in a diftinct and legible manner, and fhall fo keep and preferve the fame; and that if fuch owner or owners, or mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, fhall wilfully alter, erafe, obliterate, or in anywife hide or conceal, or caufe or procure, or permit the fame to be done, unlefs in the cafe of fquare-rigged veffels in time of war, or fhall in any written or printed paper, or other document, defcribe fuch fhip or veffel by any name, other than that by which fhe was firft registered purfuant to this act, or fhall verbally defcribe, or caufe or procure or permit fuch fhip or veffel to be defcribed, by any other name, to any officer or officers of his Majefty's revenue, in the due execution of his or their duty, then, and in every fuch cafe, fuch owner or owners, mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, fhall forfeit the fum of one hundred pounds.

No change to
be made in
fhips names,
which, and
their ports,
muft be painted
confpicuoufly
on the
veffels.

100l. penalty
on altering,
&c. names.

XX. And be it further enacted by the authority aforefaid, That all and every perfon and perfons who fhall apply for a certificate of the registry of any fhip or veffel, in Great Britain,

Persons ap-
plying for
certificates in
Great Britain,

Sec. to produce
a particular
account of
the ships
from the
builders, and
make oath to
their identity.

Guernsey, Jersey, or The Isle of Man, which shall be built, or whose building shall be completed after the first day of *August*, one thousand seven hundred and eighty-six, shall, and they are hereby required to produce to the person or persons authorised to grant such certificate, a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when, and the place where, such ship or vessel was built; and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate as aforesaid); and shall also make oath, before the person or persons herein-before authorised to grant such certificate (which oath he or they are hereby authorised to administer) that the ship or vessel for which such certificate is required, is the same with that which is so described by the builder as aforesaid.

Persons making applica-
tion in the
colonies, after
Jan. 1, 1787,
to conform
to the particu-
lars in the
last clause.

XXI. And be it further enacted by the authority aforesaid, That all and every person or persons who, from and after the first day of *January*, one thousand seven hundred and eighty-seven, shall apply for such certificate, as aforesaid, in any of his Majesty's said colonies, plantations, or territories, shall, before such certificate is granted, produce the like account, under the hand of the builder, and take the like oath as is herein-before required to be produced and taken by persons applying for the like certificate in *Great Britain*.

If certificates
be lost, new
ones to be
granted, ac-
cording to
act 15 Geo. 2
c. 31.

XXII. And be it further enacted by the authority aforesaid, That if the certificate of the registry of any ship or vessel which shall be obtained in pursuance of this act, shall happen to be lost or mislaid, a register and certificate *de novo*, in the form herein-before directed, shall be granted for such ship or vessel, according to the regulations contained in an act, passed in the fifteenth year of the reign of his late majesty King *George the Second*, intitled, *An act for further regulating the plantation trade; and for relief of merchants importing prize goods from America; and for preventing collusion captures there; and for obliging the claimers of vessels seized for exportation of wool, or any unlawful importation, to give security for costs; and for allowing East India goods to be taken out of warehouses, in order to be cleaned and refreshed.*

Security to be
given, on re-
ceiving such
certificates,
and oath
made as here-
in before di-
rected, instead
of the oath
15 Geo. 2.
c. 31.

XXIII. Provided always, and be it further enacted by the authority aforesaid, That in every such case such security shall be given as is herein-before directed; and that in lieu of the oath directed to be taken by the said recited act, the like oath shall be taken and subscribed, as is herein-before directed to be taken and subscribed by the owner or owners of such ships and vessels as are required to be registered by virtue of this act.

Ships, if al-
tered, must be
re-registered a-

XXIV. And be it further enacted by the authority aforesaid, That if any ship or vessel, after she shall have been registered pursuant to the directions of this act, shall in any manner what-
ever be altered in form or burthen, by being lengthened or built
upon,

upon, or shall be altered from a sloop to a brigantine, or from any one denomination of a vessel to another, by the mode or method of rigging or fitting, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port in which she may be legally registered by virtue of this act, on failure whereof such ship or vessel shall to all intents and purposes be considered, and deemed and taken to be a foreign ship or vessel.

new, or to be deemed foreign.

XXV. And be it further enacted by the authority aforesaid, That the owner or owners of all such ships and vessels as shall be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty, shall, upon registering such ship or vessel, before he or they shall obtain such certificate as aforesaid, produce to the proper officer of his Majesty's customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the judge of the court in which such ship or vessel shall have been condemned (which certificate such judge is hereby authorized and required to grant), and also a true and exact account, in writing, of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful persons to be appointed by the court to survey such ship or vessel; and shall also make oath before the said officer (which he is hereby authorized and required to administer) that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

The condemnation of prize, and the particulars of the vessels, &c. must be produced, to entitle to a certificate of registry.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That no ship or vessel which shall be taken and condemned as prize in any court of admiralty as aforesaid, shall be registered in the islands of *Guernsey*, *Jersey*, or the *Ile of Man*, although belonging to his Majesty's subjects residing in those islands, or in some one or other of them: but in order that the duties now by law due and payable to his Majesty on such ships and vessels may be levied and collected, the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven*, by the collector and comptroller at such ports respectively, who are hereby authorized and required, after the receipt of the said duties, to register such ship or vessel, and to grant a certificate thereof, in the form, and under the regulations and restrictions in this act contained.

Prizes condemned in *Guernsey*, &c. to be registered at *Southampton*, &c.

XXVII. And be it further enacted by the authority aforesaid, That in all the cases where any ship or vessel, so taken and condemned as aforesaid, in any of his Majesty's colonies, plantations, islands, or territories, aforesaid, shall be registered, and obtain a certificate of such registry, in manner herein-before directed, an exact and particular account shall be subjoined to such certificate, of the sum for which such ship or vessel shall have been sold, verified by the oath of the person or persons who shall apply for such registry and certificate, in order that the aforesaid duties due and payable to his Majesty may be the better levied

The sum on oath, for which a prize sold in the colonies, to be subjoined to the certificate.

and collected, upon the arrival of ſuch ſhip or veſſel in any port or place of Great Britain where ſuch duties are by law due and payable.

Certificate to
exprefs in
what part the
ſhip was built.

XXVIII. *And whereas the trade to and from his Majesty's European dominions, and the colonies, plantations, iſlands, and territories, in Aſia, Atrica, and America, to his Majesty's belonging, is now by law confined to ſuch ſhips only as are of the buil^t of Great Britain and Ireland, the iſland of Guernſey, Jerſey and Man, and of the ſaid colonies, plantations, iſlands, and territories: and whereas ſhips wholly owned by Britiſh ſubjects, and navigated according to law, can be legally uſed and employed only in the European trade of this kingdom, and the ſame are, by virtue of this act, allowed to be continued in the ſaid trade until the ſame ſhall be worn out; and it is therefore neceſſary to diſtinguiſh ſuch ſhips and veſſels reſpectively in the certificates to be granted purſuant to this act; ſh^e it therefore enacted by the authority aforeſaid, That the certificates which ſhall hereafter be granted in purſuance of this act, ſhall diſtinguiſh whether ſuch ſhips or veſſels be of the buil^t of Great Britain or Ireland, Guernſey, Jerſey, or the Iſle of Man, or the colonies, plantations, iſlands, or territories aforeſaid, or of any foreign country; and ſhall, if Britiſh built, be intituled, Certificate of Britiſh Plantation Registry; and if ſuch ſhips be foreign-built, ſhall be intituled, Certificate of Foreign Ships Registry for the European Trade, Britiſh Property, as the caſe may be.*

XXIX. *And whereas many foreign-built ſhips and veſſels belonging to, or pretending to belong to, his Majesty's ſubjects, have by fraudulent contrivances, and under falſe prei^{en}ces, obtained registers, by virtue of which ſuch ſhips and veſſels are at preſent uſed and employed, contrary to the laws now in force, in the trade to and from his Majesty's colonies, plantations, iſlands, or territories, in Aſia, Africa, and America; and it is therefore expedient and neceſſary, for detecting the frauds at preſent committed, and for preventing the ſame in future, that all registers heretofore granted ſhould be called in, and delivered up to the proper officer to be cancelled, and that new registers, of the form herein-before deſcribed, ſhould be granted in lieu thereof, in the manner herein-before directed, to all ſuch ſhips or veſſels as ſhall appear to be legally entitled to the ſame: and whereas it is expedient to ſpecify and direct at what time, and in what manner, all other ſhips and veſſels, which are not now by law required to be regiſtered, ſhould hereafter be regiſtered, according to the intent and meaning of this act, and ſhould receive certificates according to the form and in the manner herein-before directed: be it therefore enacted by the authority*

ſhips already
regiſtered to
exchange their
certificates
for new ones,
and others
now required
to be regiſ-
tered, to a
for cer-
tificates, &c.

aforeſaid, That the commissioners of his Majesty's cuſtoms in England and Scotland, reſpectively, be authorized and required, and they are hereby authorized and required, to give publick notice, by all ſuch ways and means as they ſhall judge moſt proper and effectual, that within a certain reaſonable time or times as may be beſt adapted to the diſtance of the ports to which the ſhips and veſſels owned by his Majesty's ſubjects ſhall reſpectively belong, to be by them ſpecified and publiſhed, certificates of registry, according to the form herein-before deſcribed, will be ready

ready to be granted, in manner herein-before directed, to all such ships and vessels as shall be legally entitled thereunto; and that the owner or owners of every such ship or vessel, not heretofore required to be registered, shall, on the first arrival of every such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be registered, and shall obtain a certificate thereof, in manner herein-before directed; and that the owner or owners of any ship or vessel, which shall have been heretofore registered, shall, in like manner, upon the first arrival of such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be again registered, and obtain a certificate thereof, according to the form and in the manner herein-before described, and shall then deliver up the register before granted, if the same be not lost or mislaid; and if the same shall have been lost or mislaid, shall make oath before the proper officer of the customs, that such register has been lost or mislaid, and shall give security in like manner as is directed and required by the said act passed in the fifteenth year of the reign of his late majesty King George the Second, in the case of registers and certificates *de novo*.

XXX. And be it also enacted by the authority aforesaid, That, from and after the expiration of the notice herein-before directed, twelve months shall be allowed to all ships and vessels belonging to any of the ports of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, to be registered and obtain certificates according to the form and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, eighteen months shall be allowed to all ships and vessels belonging to any of the ports in his Majesty's colonies, plantations, islands, or territories in *Africa* or *America*, to be registered, and to obtain certificates according to the form, and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, thirty months shall be allowed to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, to be registered, and obtain certificates according to the form, and in the manner herein-before described: and that at the end of the said term of twelve months, with respect to such ships and vessels as belong to the ports of *Great Britain*, and the islands of *Guernsey*, *Jersey*, or *Man*; and in like manner, at the end of the said term of eighteen months, with respect to all ships and vessels that belong to any of the ports of his Majesty's colonies, plantations, islands, or territories, in *Africa* or *America*; and in like manner, at the end of the said term of thirty months, with respect to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, no other register or certificate shall be of force or effect, except such as shall be granted in pursuance of this act; and that all other registers and certificates shall from thenceforth be utterly null and void, to all intents and purposes whatsoever.

Times allowed for obtaining such certificates.

Certificates
may be grant-
ed, where,
from unavoid-
able neceſſity,
application
could not be
made in time
limited.

XXXI. Provided nevertheless, and be it further enacted by the authority aforeſaid, That in caſe it ſhall happen that any ſuch ſhip or veſſel, from any unavoidable neceſſity, or reaſonable cauſe, ſhall not return to the port to which ſhe belongs within the time herein-before limited, it ſhall and may be lawful for the commiſſioners of his Maſteſty's customs in *England* and *Scotland* reſpectively for the time being, and they are hereby required, upon proof being made to their ſatisfaction of ſuch unavoidable neceſſity or reaſonable cauſe, to cauſe ſuch ſhip or veſſel to be regiſtered upon the terms and conditions, and under the regulations and reſtrictions directed and required by this act; any thing herein contained to the contrary thereof notwithstanding.

Ships leaving
port without
certificates to
be forfeited.

XXXII. And be it further enacted by the authority aforeſaid, That no ſhip or veſſel, which by this act is directed to be hereafter regiſtered, or which is directed, inſtead of the register now required by law, to take out a new register, according to the form, and in the manner herein-before deſcribed, ſhall be permitted, after her firſt arrival at the port to which ſhe belongs, at the expiration of the notice herein-before directed, to clear outwards to foreign parts or coaſtwiſe, or to proceed to ſea in order to fiſh on the coaſts, or for any other purpoſe whatever, as a *Britiſh* ſhip or veſſel, or ſhall be in anywiſe entitled to the privileges of a *Britiſh* ſhip or veſſel, unleſs the owner or owners thereof ſhall have obtained a certificate according to the form, and in the manner herein-before deſcribed; and in caſe any ſuch ſhip or veſſel ſhall depart from ſuch port without being regiſtered, and without having obtained a certificate as aforeſaid, every ſuch ſhip or veſſel ſhall be ſubject to forfeiture, and alſo all the guns, furniture, ammunition, tackle, and apparel, to ſuch ſhip or veſſel belonging.

If ſhips be
found without
the port to
which they
belong, with-
out certificates, bond
muſt be given
that they ſhall
be procured.

XXXIII. And be it further enacted by the authority aforeſaid, That if, after the expiration of the notice aforeſaid, any ſhip or veſſel (being ſquare rigged) ſhall be found in any port within the diſtance of twenty leagues by water from the port to which ſhe belongs, or if any veſſel, not being ſquare rigged, be found within any port, other than that to which ſhe belongs, without having obtained the certificate of registry herein-before directed, it ſhall and may be lawful to and for the principal officer or officers of ſuch port, and he or they is and are hereby required to detain ſuch ſhip or veſſel, until the maſter, or other perſon having or taking the charge or command thereof, ſhall, if ſuch ſhip or veſſel be under the burthen of fifty tons, give ſecurity by bond in the penalty of fifty pounds, in manner herein-after directed; and if ſuch ſhip or veſſel ſhall exceed the burthen of fifty tons, and ſhall not exceed that of one hundred tons, then until the maſter, or other perſon having or taking the charge or command thereof, ſhall, in like manner, give ſecurity by bond in the penalty of one hundred pounds; and if ſuch ſhip or veſſel ſhall exceed the burthen of one hundred tons, then until the maſter, or other perſon having or taking the charge or command thereof,

thereof, shall, together with one sufficient security, (to be approved by such principal officer or officers), give bond to his Majesty, his heirs and successors, to be taken by such officer or officers, in the penalty of two hundred pounds, with condition that such master, or other person so having or taking the charge or command of every such ship or vessel, shall forthwith repair with her, as soon as conveniently may be, (or being employed in the fishery on the banks of *Newfoundland*, and parts adjacent, at the end of the fishing season), to the port to which she belongs, and there cause her to be registered, and procure a certificate of such registry, in the form and manner herein-before directed, and produce and deliver to such officer or officers such certificate of registry, within the time limited in the condition of such bond; which limitation of time such officer or officers is and are hereby authorised to fix, according to the distance which such ship or vessel may be from the port to which she belongs, and the nature of the voyage in which she may then be engaged, and on failure of producing and delivering such certificate as aforesaid, such bond shall be forfeited; but if such certificate shall be produced and delivered to such officer or officers within the time so limited in the bond, such bond shall be void and of none effect, and he or they is and are hereby authorised and required to cancel the same: and in case any square rigged ship or vessel, after the expiration of the notice aforesaid, shall be found in any port distant more than twenty leagues by water from the port to which she belongs, or that the water at the entrance of the port to which such ship or vessel belongs shall be so shallow as not to admit her entrance into the same, without endangering the safety of such ship or vessel, the master, or other person having the charge or command of such ship or vessel, shall, within forty-eight hours after his arrival at such port as aforesaid, make known his arrival to the collector and comptroller of the customs, or other principal officer of such port, and shall require such collector and comptroller, or other principal officer, to cause his ship or vessel to be surveyed by the proper officer at such port, who shall be appointed pursuant to the directions of this act to survey ships and vessels there, and who shall accordingly make a perfect and accurate survey thereof, and certify the several particulars thereof in like manner as is herein-before directed, and such collector and comptroller, or other principal officer, shall immediately transmit the said certificate of survey to the persons authorised to register ships and vessels, and grant certificates of registry, at the port to which such ship or vessel belongs, who thereupon, and upon all the other requisites of this act being complied with, shall register such ship or vessel, and grant a certificate of the registry thereof pursuant to this act; and it shall and may be lawful to and for the collector and comptroller, or other principal officer or officers of the customs in the port where such ship or vessel shall be so found, and he or they are hereby authorised and required to detain such ship or vessel until a perfect and accurate

If square rigged vessels cannot enter the ports to which they belong, certificates may be obtained upon their being surveyed, &c. at the port where they touch.

accurate survey thereof shall be made in manner herein-befg directed.

Certificates of registry to be produced at every port, on penalty of 100*l*.

XXXIV. And be it further enacted by the authority aforesaid, That after the expiration of the notice herein-before required, the master, or other person having or taking the charge or command of every ship or vessel which shall have been registered, and shall have procured a certificate of the registry, according to the directions of this act, shall, upon demand, produce such certificate of registry to the principal officer or officers of every port in his Majesty's dominions, or to the *British* consul or chief *British* officer in any foreign port in which such ship or vessel shall arrive, for the inspection of such officer or officers, *British* consul, or chief *British* officer, in order to satisfy him or them that she has been properly registered, under the penalty of one hundred pounds.

Certificates, &c. to be numbered, and an account of them to be transmitted to the commissioners of Customs.

Penalty for neglect.

XXXV. And be it further enacted by the authority aforesaid, That the proper officer at every port and place where registers and certificates shall be granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning such progressive numeration at the commencement of each and every year; and shall enter an exact copy of every such certificate, with the number thereof, in a book to be kept for that purpose; and shall also forthwith, or within one month at the furthest, transmit to the commissioners of his Majesty's customs in *London* and *Edinburgh*, under whom they respectively act, a true and exact copy, together with the number of every certificate which shall be by him so granted; and that if any such officer or officers shall neglect or refuse so to do, he or they so offending shall, for the first offence, forfeit the sum of one hundred pounds, and shall, for the second offence, forfeit the sum of two hundred pounds, and be dismissed from his or their office or offices.

Copies of certificates granted in Scotland to be annually transmitted to the custom house in England.

Sums to be paid on first registry of ships built prior to May 1, 1786, in lieu of stamp duties, &c.

XXXVI. And be it also further enacted by the authority aforesaid, That the commissioners of his Majesty's customs in *Scotland* shall in like manner transmit, at the end of every month in each year, to the commissioners of his Majesty's customs in *England*, true and exact copies of all such certificates as shall be granted by them, or by any officer or officers within the limits of their commission, in pursuance of this act.

XXXVII. And be it further enacted by the authority aforesaid, That in lieu of all stamp-duties now by law imposed on such bonds as shall be entered into by the owner or owners of any ship or vessel built before the first day of *May*, one thousand seven hundred and eighty-six, or by any person or persons on their behalf, upon such ship or vessel being first registered, and obtaining a certificate, in pursuance of this act, there shall be paid the sum of one shilling, and no more; and that in lieu of all fees and perquisites now payable to any person or persons, on the registry of any ship or vessel, so built before the said first day of *May*, one thousand seven hundred and eighty-six, there shall be paid

on the first registry of every such ship or vessel, pursuant to this act, the following sums, and no more; (that is to say), By all ships or vessels decked, or of the burthen of fifteen tons, and not exceeding fifty tons, the sum of one shilling and sixpence, and no more; and by all ships or vessels exceeding fifty tons, and not exceeding one hundred tons, the sum of two shillings and sixpence, and no more; and by all ships or vessels exceeding one hundred tons, and not exceeding two hundred tons, the sum of three shillings and sixpence, and no more; and by all ships or vessels exceeding two hundred tons, the sum of five shillings, and no more; which several sums shall be payable to such officers respectively, in the same shares and proportions in which the sums now payable are distributed: provided always, That the stamp duties, fees, and perquisites now due and payable upon the registry of, or transfer of property in any ship or vessel, shall continue to be paid as heretofore, save and except upon the first registry in pursuance of this act, of any ship or vessel built and registered before the first day of May, one thousand seven hundred and eighty-six.

Stamp duties to continue to be paid, on transfers of property.

XXXVIII. *And whereas, since the conclusion of the late war, registers have been granted or promised to ships and vessels not thereto by law entitled, by his Majesty's governors, or by the officers of his Majesty's customs, in consideration of services rendered to the publick by the owners of such ships and vessels, at the time of evacuating the countries, or towns, and posts held by his Majesty's forces in the countries now belonging to the united states of America, or in consideration of the removal of families, to whom such ships and vessels belong, into the countries now belonging to his Majesty: and whereas registers have also in some cases been so granted or promised to other ships and vessels, by the governors of his Majesty's colonies, plantations, islands, and territories under misconception of the laws relating thereto, and the property of such ships or vessels has bona fide, and without fraud, been transferred to others of his Majesty's subjects, who under the protection thereof now use and employ such ships and vessels: and whereas it may be therefore just and reasonable, in particular cases, where no fraud or collusion shall appear to have been practised, that such ships and vessels should be admitted to a registry, and that a certificate should be granted to the owners thereof pursuant to this act: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by and with the advice of his privy council, to order any such ship or vessel, under the circumstances before mentioned, to be registered, and to have a certificate thereof, according to the form and in the manner herein-before described and directed, if his Majesty in his wisdom shall think fit; and in case any suit shall have been commenced for the condemnation of such ship or vessel, it shall and may be lawful for his Majesty, by order in council, to direct all proceedings thereupon to be staid, either absolutely, or upon such terms or conditions as his Majesty shall think fit.*

Privy council may order ships to be registered, to whom they have been granted or promised in consideration of their services, though not otherwise entitled thereto, &c.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any governor, lieutenant governor,

Suits commenced in the colonies touching registers granted such ships may be kept till his Majesty's pleasure be known.

governor, or commander in chief of any of his Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, in any of the cases aforesaid, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced, or shall hereafter be commenced, in any court whatever, in any of the said colonies, plantations, islands, or territories, respectively, touching the force and effect of any register granted to any ship or vessel, in any of the circumstances aforesaid, upon a representation made to any such governor, lieutenant governor, or commander in chief, to cause all proceedings thereon to be staid, if he shall see just cause so to do, until his Majesty's pleasure be known, and certified to him by his Majesty, by and with the advice of his privy council; and such governor, lieutenant governor, or commander in chief, is hereby required to transmit to one of his Majesty's principal secretaries of state, to be laid before his Majesty in council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be staid, and such documents (properly verified) as he may judge necessary for the information of his Majesty.

Penalty on neglect of duty.

XL. And be it further enacted by the authority aforesaid, That if any person or persons authorized and required by this act, in respect of his or their office or offices, to perform any act or thing directed and required to be done or performed pursuant to any of the provisions of this act, shall wilfully neglect or refuse to do or perform the same, according to the true intent and meaning of this act, every such person or persons so neglecting or refusing shall, on being, duly convicted thereof, forfeit the sum of five hundred pounds, and for the second offence shall forfeit, in like manner, the sum of five hundred pounds, and shall from thenceforth be rendered incapable of serving his Majesty in any office or employment relative to the revenue, or in any civil capacity whatever.

Persons making false oaths guilty of corrupt perjury; and falsifying or using false certificates to forfeit good.

XLI. And be it further enacted by the authority aforesaid, That if any person or persons shall falsely make oath to any of the matters herein-before required to be so verified, such person or persons shall suffer the like pains and penalties as are incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed to be obtained by this act, or shall knowingly or wilfully make use of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds.

How penalties are to be recovered, and what is the officers share.

XLII. And be it further enacted by the authority aforesaid, That all the penalties and forfeitures inflicted and incurred by this act shall and may be sued for, prosecuted, and recovered in such courts, and be disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted, or which may be incurred, for any offence committed against the laws of customs, may now legally be sued for, prosecuted,

secured, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this act, shall be entitled to and receive the same share of the produce arising from such seizures, as in the case of seizure for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty, for any offence against this act, as any officer or officers is or are now by any law or regulation entitled to, upon prosecutions for pecuniary penalties.

XLIII. And it is hereby declared and enacted by the authority aforesaid, That all and every matter contained in the said herein-before recited acts, or in any act or acts of parliament heretofore passed, touching the trade, shipping, and navigation of *Great Britain*, and the colonies, plantations, islands, and territories aforesaid thereunto belonging, which is not hereby expressly altered or repealed, shall remain and continue in full force and effect, to all intents and purposes whatever; and so far as the same relate to the registry of ships and vessels, shall be deemed and taken to extend and apply in every respect to all ships and vessels authorized and required by this act to be registered, and to have certificates of registry.

All acts relative to trade to remain in force, except such parts as are hereby repealed.

XLIV. And be it enacted by the authority aforesaid, That the ships and vessels belonging to his Majesty's subjects residing in the kingdom of *Ireland*, being duly qualified and registered according to the laws now in force, shall continue to enjoy all the privileges and advantages to which such ships and vessels were by law intitled before the passing of this act, until the end of four calendar months from the commencement of the first session of the parliament of *Ireland* which shall hereafter sit, during the space of four calendar months, without prorogation or dissolution; and that from the end of that time, every ship or vessel which shall, by virtue of the authority of any act that may be passed in the said parliament of *Ireland*, be qualified and registered in any of the ports of the said kingdom of *Ireland*, under similar regulations and restrictions to those herein-before contained, shall continue to enjoy, to all intents and purposes whatsoever, all the privileges and advantages of a *British*-built ship, or foreign built ship owned by his Majesty's subjects, as the case may be, according to the provisions of this act.

Ships of *Ireland* lawfully qualified and registered there, to enjoy the privileges of *British*-built ships, &c.

C A P. LXI.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.

2,600,000*l.* granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the sum of 2,600,000*l.* or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in court. No undue preference to be given in payment. No fee

to be taken, for books or registers, or entries, views, or searches, on forſeiture of treble damages, with full coſts. Penalty of undue preference in point of registry or payment of the value of the debt. Auditor, etc. neglecting his duty, liable for damages, and coſts; to be recovered at Weſtmiſter. No undue preference in the registering, where orders are brought the ſame day; nor if ſubſequent orders are paid before others not brought in courſe, in as money be relieved for the preceding orders. Power of aſſignment, and method of transferring of orders by indorſement, and to be entered with the auditor. If it ſhall be judged more adviſeable, the treaſury may raiſe the ſaid ſum by exchequer bills inſtead of loans; and the bills in ſuch caſe to be made in the manner preſcribed by the land tax act of this ſeſſion. All advantages and penalties in the ſaid act of this ſeſſion, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act. The ſaid exchequer bills, intereſt, and charges, are to be paid out of the ſinking fund. Bank authorized to lend to his Maieſty the ſum of 2,600,000l. notwithſtanding an act of 5 and 6 Gul. & Mariae. The ſum of 582,488l. 15s. 9d. 3q. remaining in the exchequer on Jan. 5, 1786; 628,982l. 0s. 1d. ſurplus of ſinking fund, April 5, 1786; 82,386l. ſurplus of 6d. deduction on ſalaries &c. April 5, 1786; 16,491l. 5s. ſurplus of wine duties, granted by 18 Geo. 2. April 5, 1786; after payment of annuities on ſingle lives by ſaid act to Jan. 5, 1786; 20,281l. 15s. ſurplus of glaſs duties, remaining April 5, 1786, after paying annuities on lives granted by 17 Geo. 2. c. to Jan. 5, 1786; 12,735l. 15s. ſurplus of vellum duties, etc. remaining at April 5, 1786, after paying annuities on lives granted by 30 Geo. 2. c. to Jan. 5, 1786; 40,414l. 9s. 5d. 3q. ſurplus of 2-7ths exciſe, remaining in the exchequer, April 5, 1786, granted by 5 & 6. W. and M. after ſatisfying charges thereon, for the half year then ended; 100,508l. 13s. 1d. 3q. of impreſt, and other money remaining in the exchequer for diſpoſition of parliament; 290,810l. 4s. 6d. 1q. ſurplus of grants for land ſervices in 1784, remaining in the exchequer; and 21,568l. 13s. 2d. 3q. ſurplus for Chelſea hoſpital, for the year 1785, remaining in the exchequer to be iſſued towards the ſupply, by order of the treaſury; 65,575l. 4s. 1d. 2q. of army ſavings in 1785, to be applied towards the extraordinary expences of the land forces, from Dec. 24, 1784. to Dec. 24, 1785, not provided for. Monies ariſing by the land tax act, malt act, loans, (1,500,000l.) c. 32. further loans, (1,000,000l.) c. 33. further bills, (3,000,000l.) lottery act, and alſo 582,488l. 15s. 9d. 3q. remaining in the exchequer, Jan. 5, 1786, ſurplus of the ſinking fund ſubject to diſpoſition of parliament; 628,982l. 1d. overplus of grants in 1786; 82,386l. ſurplus of ſixpence deductions; 16,491l. 5s. ſurplus of wine duties, 20,281l. 15s. ſurplus of glaſs duties; 12,735l. 15s. ſurplus of vellum duties; 40,414l. 9s. 5d. 3q. ſurplus of two ſevenths exciſe; 100,508l. 13s. 1d. 3q. of impreſt; and alſo 290,810l. 4s. 6d. 1q. for land forces, etc. 1784; 21,568l. 13s. 2d. 3q. for Chelſea hoſpital, for 1785; 2,600,000l. granted by this act out of the ſinking fund, ſhall be applied (with the reſidue of the monies ariſing from the ſale of French prizes, taken before the war in 1756, to the uſes following; 2,428,326l. 18s. 8d. for naval ſervices, viz. for victuals, wear and tear of the navy, and the victualling thereof, for the office of ordnance for ſea ſervice, for ordinary of navy, for half pay to ſea and marine officers; and for maintaining 3620 marines, and rebuilding and repairing ſhips of war for 1786; 287,096l. 17s. 1d. for the charges of the office of ordnance, for land ſervice, 1786; 59,781l. for completing works at Portſmouth, and Plymouth; 1,978,154l. 15s. 0d. 3q. towards maintaining the land forces, etc. viz. 647,005l. 8d. for defraying the charge of 17,638 effective men, officers, etc. 234,160l. 5s. 11d. for forces in the plantations, and Gibraltar, for 1786; 6,358l. 3s. for difference between Britiſh and Iriſh eſtabliſhments of fix regiments, of foot at Gibraltar, in North America, and the Weſt Indies, etc. for the ſame year; 6,409l. 8s. for pay of general and ſtaff officers, in Great Britain, for the ſame year; 24,378l. 7s. 8d. 2q. for ſuper-numerary officers, etc. for 365 days in the ſame year; 8,230l. 8s. 7d. 1q. for 1 regiment of light dragoons, and 5 battalions of foot, ſerving in the Eaſt Indies, for 1786; 59,340l. 13s. 5d. to the paymaſter general, ſecretary at

war, commissary general of matters, judge advocate general, soldiers of accounts, etc. for exchequer bills and for postage for the same year; 21,409l. 7s. 6d. for widows pensions, for the same year; 27,266l. 10s. 5d. for reduced officers, for the same year; 333l. 9s. 7d. for reduced officers, etc. of the horse guards, for the same year; 175,061. 7s. 9d. for Chelsea hospital, for the same year; 53,502l. 27s. 2d. for officers of British American forces, for the same year; 3,553l. 6d. for officers late in the service of St. James general, for the same year; 1,377l. 8d. 2q. for difference between the British and Irish establishments for several battalions in 1784 and 1785; 364l. 5s. 12d. for difference between British and Irish establishments for four companies of foot in 1786, for 275 days; 573,087l. 8s. 2d. 2q. for extraordinary expences of land forces, to Dec. 25, 1785, not provided for; 180,000l. to discharge exchequer bills of 22 and 23 Geo. 3; 30,000l. to discharge arrears of civil lists to Jan. 5, 1786; 1,500,000l. to discharge exchequer bills of 25 Geo. 3; 1,000,000l. more for paying off exchequer bills, 25 Geo. 3; 1,000,000l. for paying off bills made out by virtue of another act of the same year; 4,000,000l. for paying off bills of 21 Geo. 3; 22,259l. 9s. 2d. issued in pursuance of addresses of the house of commons; 25,000l. towards carrying on the buildings at Somerset house; 6,000l. for erecting a house adjoining the Admiralty, to keep books, papers, etc. in; 3,851l. 17s. 8d. for the civil establishment of Nova Scotia; 1,900l. for the civil establishment of the island of St. John in America; 1,816l. 15s. 7d. 1q. for a demand due to the late John Ellis, esq. late agent for the province of West Florida, surplus of his account between June 24, 1772, and June 24, 1776; 2,660l. for the civil establishment of the Bahama Islands, in addition to salaries on duty fund, charges from Jan. 1, 1786, to Jan. 1, 1787; 2,100l. for the island of Cape Breton, to June 24, 1787; 580l. for the salary of the chief justice of the Bermudas, to June 24, 1787; 4,300l. for the civil establishment of New Brunswick in America to the same time; 13,000l. for forts, etc. in Africa; 6,500l. for purchasing lands in St. Vincent; 6,356l. for the purchase of the soil of the Bahama Islands; 9,000l. to the commissioners of publick accounts; 1,000l. to make good a like sum issued to the secretary to the said commissioners; 1,481l. 28s. 4d. for prosecution of coiners; 14,939l. 5s. 9d. 1q. for the mint, in 1785; 5,784l. for new roads, etc. in the highlands, in 1786; 10,000l. to the commissioners for enquiring into claims of American loyalists, without fee; 178,750l. to persons who have proved losses in America, by act 23 Geo. 3. c. Proportions to American sufferers, to be not more than 40l. per cent. to those bearing arms, and 30l. per cent. to those other resident in America during the war; 55,000l. for relief of American civil officers, etc. for one year; 3,881l. 4s. to make good a like sum issued to the secretary of the commissioners; 62,059l. 5s. to make good a like sum issued to American civil officers; 3,750l. 14s. to make good a like sum paid to Tho. Cotton, esq. for fees at the exchequer, on receipt of 50,000l. granted to loyalists last session; 2,426l. 9s. to make good a like sum issued to the said Tho. Cotton, Tho. Dundas, and Jeremy Pemberton, esqrs. for passage, etc. of commissioners of American claims, appointed to go to Nova Scotia or other part of American colonies, and the expences of their secretaries and clerks; 16,061l. 16s. 3d. to make good a like sum issued to discharge bills drawn by governors of Nova Scotia, New Brunswick, and Cape Breton, in America, and expence of convicts at Portsmouth, and Plymouth, etc.; 1,377l. 6s. for damages sustained at Faversham, in Kent, by the blowing up of powder Mills, in 1781; 4,106l. 10s. to Joseph Lodin Du Mauvoir, for loss by seizure of the ship La Grue, at Portudal, (a French factory), in 1776, by the Lord Dartmouth armed ship, sent from Fort Louis in the river Senegal for that purpose, by Matthias Macnamara, esq. then lieutenant governor, &c. of Senegambia; 2,500l. to Louis Borel, and Abraham Henry Borel, dyers, for the disclosure of a method of dying Turkey Red, upon cotton in hanks, and in the piece; 3,632l. 12s. 5d. for the payment for lands purchased under act 23 Geo. 3. c. 87; 12,869l. 11s. 7d. 3q. for compensation for lands purchased near Portsmouth, under 24 Geo. 3. c. 29; 17,381l. 2s. 1d.

for compensation for lands purchased, etc. near Plymouth, under act 1 Geo. 3. c. 29, etc.; 21,560l. 5s. 7d. to Duncan Campbell, esq. for maintaining convicts, etc.; and 31,299l. 10s. for transportation, etc. of convicts; 365,719l. 2s. 4d. 2q. to replace a like sum paid out of the sinking fund for deficiencies of duties on tea, etc. to July 5, 1785; 26,588l. 4s. 6d. 2q. to make good deficiencies of the fund for paying annuities granted 31 Geo. 4. to Jan. 5, 1785; 180,357l. 3s. 6d. 1q. to make good the deficiency on the grant for payment of annuities, 18 Geo. 3. 1778 to July 5, 1785; 15,991l. 5s. 2d. 2q. to make good the deficiency on the grant for payment of annuities, 19 Geo. 3. 1779 to July 5, 1785; 242,864l. 11s. 8d. to make good deficiency on the grant for payment of annuities; 29 Geo. 3. 1770, to the same time; 361,963l. 3s. 4d. to make good the deficiency on the grant for payment of annuities, 23 Geo. 3. 1783, to the same time; 202,381l. 7s. 7d. 2q. to make good the deficiency on the grant for payment of annuities, 24 Geo. 3. 1784, to the same time; 127,158l. 3s. 2d. 5-8ths, to make good deficiencies of grants for 1785. Supplies not to be applied to any other uses than are directed by this act. Rules to be observed in the application of the sum of 172,666l. 10s. 5d. granted last year, for half pay. By an act 25 Geo. 3. a sum not exceeding 197,703l. 7s. 10d. was appropriated to be paid to reduced officers. Overplus monies, above satisfying half pay officers, to be disposed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty shall direct.

C A P. LXII.

An act to enable the East India company to raise money by a sale of annuities, and by increasing their capital stock.

Preamble.

WHEREAS the publick stand indebted to the united company of merchants of England trading to the East Indies, in the sum of four millions two hundred thousand pounds, lent, at various times, under the authority of several acts of parliament, for which an annuity is now payable to the said united company, to the amount of one hundred and twenty-six thousand pounds, being an interest on the said debt, at and after the rate of three pounds per centum per annum: and whereas the said united company, pursuant to the powers contained in an act of parliament made in the twenty-third year of the reign of his late majesty King George the Second, intituled,

Recital of act
11 Geo. 3. c.
22.

An act for giving further time to the proprietors of annuities after the rate of four pounds per centum per annum, to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so subscribed; and for empowering the East India company to raise certain sums by transferrable annuities; have borrowed and taken in by subscription, from sundry persons, the sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, by a grant of annuities called India Annuities, which now carry an interest at the rate of three pounds per centum per annum, amounting to the yearly sum of eighty-nine thousand seven hundred and seventy-three pounds, four shillings: and whereas, for the purpose of enabling the said united company to carry on an extended trade, and also to discharge the demands to which they are liable, it is necessary and expedient that the said united company should be enabled to raise a further sum of money than they are now enabled to do: may it therefore please your most excellent Majesty that it

may

may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said united company, and they are hereby authorized and empowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said united company, to borrow and take in, by subscription or otherwise, from any person or persons, bodies politic or corporate, who shall be willing to advance the same, any sum or sums of money, by the sale or mortgage of a fund attended with an annuity at the rate of three pounds *per centum per annum*, not exceeding in the whole the annual sum of thirty six thousand two hundred and twenty-six pounds, sixteen shillings, being an annuity due to the said united company from the publick, in consideration of one million two hundred and seven thousand five hundred and fifty nine pounds, fifteen shillings, part of the said sum of four millions two hundred thousand pounds; which said sale shall and may be made at such price or prices as the court of directors of the said united company, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or the high treasurer for the time being, shall think fit; and that from and after the time of such sale, the said annuities shall be paid and transferred in like manner, and the proprietors and holders shall, in all respects, hold their respective shares of the said fund, to be purchased as aforesaid, in like manner, and upon the same terms as the respective present proprietors now hold and enjoy the respective sums belonging to them in the said annuity fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, and the said annuities, to be sold as aforesaid, shall be consolidated with the said fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, and the said debt of four millions two hundred thousand pounds, due from the publick to the said united company, and the annuities payable in respect thereof, shall be a collateral security to the proprietors and holders of the said annuities, so to be sold or mortgaged as aforesaid, in the same manner as for the said sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, heretofore sold under the before recited act of the twenty-third year of the reign of his late majesty King George the Second, but subject nevertheless to such and the like proviso, or condition of redemption by the company, as the said sum of four millions two hundred thousand pounds, due to the company by the publick is or shall be subject and liable by any act or acts of parliament.

Company may borrow, with the approbation of the treasury, any sum at 3l per cent the annual interest of which does not exceed 36,226l 16s.

The additional annuities to be paid on the same terms as the money borrowed under the recited act, and secured by the publick in the same manner, &c.

II. And be it further enacted by the authority aforesaid, That Company may add to their

capital stock
800,000l. by
subscription.

it shall and may be lawful to and for the said united company, and they are hereby authorised and impowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of three millions two hundred thousand pounds, to any sum not exceeding the further sum of eight hundred thousand pounds capital stock, so as to make their whole capital stock the sum of four millions; which said additional capital stock shall be subscribed and paid for at the rate of one hundred and sixty pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said united company, with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid in such manner and form, and by such instalments and proportions, as the said court of directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for, shall, from and after the time of such payment, be deemed, considered, and taken, as and for a part of the capital stock of the said company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors, or administrators and assigns, shall at all times be deemed and reputed to be members of the said united company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules and orders, whereto the present stockholders and members of the said united company, in respect of the stock held by, and belonging to them, are respectively intitled, subject, and liable unto, by any act or acts of parliament, charter, or bye-law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said company now do, and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said united company; and the same shall, in all respects, be consolidated and united as one joint stock.

Subscribers to
be incorporated
with the
company, etc.

Dividends on
the additional
stock to be
paid as on the
present stock.

III. And be it further enacted by the authority aforesaid, That the said united company shall and may, from time to time, make and pay the like dividends, to the proprietors of the said additional stock, as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said united company; the first of which said dividends

dends shall commence from fuch time as fhall be fpecified in the propofals or terms to be offered for the faid fubfcription by the faid court of directors, with fuch confent and approbation as aforefaid.

IV. Provided nevertheless, and be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for the faid court of directors, with fuch confent and approbation as aforefaid, to give the option and preference, in fubfcribing for the faid additional ftock, to fuch perfons as fhall hold the faid company's ftock at the time or times of fuch fubfcription as aforefaid, as far as, and not exceeding the amount of fifty pounds *per centum* on the capital ftock which fhall then be held by each ftockholder fo fubfcribing, for all fuch fums as they fhall fubfcribe on or before the firft day of *September*, one thoufand feven hundred and eighty fix; and in cafe the fubfcriptions, made by them on or before the faid firft day of *September*, one thoufand feven hundred and eighty-fix, fhall exceed the fum propofed to be fold at that time, a proportionable deduction fhall be made from each fubfcription; and if fuch fubfcription fhall, on the clofe thereof, on the firft day of *September*, one thoufand feven hundred and eighty-fix, fall fhort of the fum propofed to be fold, the deficiency fhall be difpofed of to other perfons, as the faid court of directors, with confent and approbation as aforefaid, fhall think fit.

Preference in fubfcribing for the additional ftock, may be given to the prefent proprietors, fo as not to exceed 50l. per cent. on the ftock now held by them. If fum fo fubfcribed be more than fufficient, a proportionable deduction to be made from each fubfcription.

V. Provided always, and be it further enacted by the authority aforefaid, That nothing herein contained fhall extend, or be conftrued to extend, to prevent or reftrein the court of directors of the faid united company, by and with fuch confent and approbation as aforefaid, from agreeing with one or more perfon or perfons, bodies politick or corporate, for the fale of the whole of the faid annuity hereby authorized to be fold, or for the fale of the faid additional capital ftock, or for fuch part or parts thereof refpectively as they fhall from time to time think fit; and find it neceffary and proper to fell; but it fhall and may be lawful for the faid court, with fuch confent and approbation as aforefaid, to contract for and agree to fell the whole, or any part thereof, refpectively, to one or more perfon or perfons.

Court of directors may fell the whole, or part of the ftock to one or more perfon or perfons, with the confent of the treafury.

VI. And be it further enacted, That, as foon as reasonably may be after the deposit or firft payment fhall be made for the faid annuities, hereby authorized to be fold, or for the faid additional ftock to be fubfcribed for, the faid company's cashier or treafurer fhall give a receipt for the fame, and fo from time to time as future payments fhall be made, which faid receipts fhall be affignable and transferrable by indorfement thereon; and when the firft payment fhall be made on the faid annuities to be fold, and on the faid additional ftock to be fubfcribed for as aforefaid, the holder of fuch receipt, on delivering up the fame, fhall have his or her name entered, in proper books to be kept by the faid united company for thofe purpofes, with an account of the annuity fund or the capital ftock belonging to each pro-

Receipts to be given for deposits, and to be transferrable by indorfement.

prior, in like manner as the account of the present proprietors of *India* annuities and stock are respectively kept.

Deposits to be forfeited if subscriptions are not duly paid.

VII. Provided always nevertheless, and be it further enacted, That in case any subscriber or subscribers, after having subscribed, shall fail in making all or any the payments agreed at the respective times for such payments, then, and in every such case, the said united company shall and may take in subscriptions for and sell the annuity fund, or stock subscribed for by such defaulter, to any other person or persons, and all deposits and payments made by such defaulter previous to such default, shall be forfeited to, and become the property of the said united company.

Guardians may purchase for infants, etc.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant, to purchase the said annuities, and subscribe and pay for the said additional stock, or any part thereof respectively, upon the terms and conditions contained in this act; and such infant, upon the payment of such sum or sums by such guardian or trustee, shall be intitled unto the annuities or stock, so subscribed and paid for on his account, and to all advantages in respect thereof, in like manner as any other purchaser or subscriber; and the said guardian or trustee, as to the sum or sums advanced by him, shall be, and is hereby discharged in respect thereof, so as the name of such infant shall be expressed in the receipt or receipts for such money.

Publick act.

IX. And be it further enacted, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. LXIII.

An act for the further preventing frauds and abuses attending the payment of wages, prize money, and other allowances, due for the service of petty officers and seamen on board any of his Majesty's ships.

Preamble.

WHEREAS great frauds and abuses are daily practised in the receiving of seamen's wages, notwithstanding former acts of parliament made for preventing the same: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no letter of attorney, made by any petty officer or seaman in the service of his Majesty, his heirs or successors, or letter of attorney made by the executors or administrators of any such officer or seaman, in order to impower or entitle any person or persons to receive any wages, pay, or allowances of money of any kind, due or to grow due for such service, shall be good and valid, or sufficient for

From Aug. 1, 1786, no letter of attorney of a petty officer, &c. to be valid, unless made revocable.

for that purpose, unlefs fuch letter of attorney fhall be made and declared to be revocable by the exprefs words thereof; and that no letter of attorney, or will, made by any petty officer or feaman in the fervice of his Majefty, his heirs or fucceffors, whereby any wages, pay, prize money, or allowance of money of any kind, due or to grow due for fuch fervice, is authorized to be received or bequeathed, fhall be good and valid, and fufficient for the purpose, unlefs fuch letter of attorney, or will; if made by any fuch officer or feaman then in the fervice of his Majefty, his heirs and fucceffors, fhall be figned before, and attested by, the captain, or by the officer then commanding, and one or other of the figning officers of the fhip to which fuch petty officer or feaman fhall belong, and fhall fpecify in the body thereof the name of the fhip, and alfo the number at which the maker of fuch will, or letter of attorney, ftands upon the fhip's book; or by the agent of any of his Majefty's hofpitals or quarters appointed to receive fick and wounded feamen, commonly called *Sick Quarters*, in which fuch petty officer or feaman may be for the time; and unlefs fuch letter of attorney, or will, if made by any fuch officer or feaman who fhall have been difcharged from the fervice of his Majefty, his heirs or fucceffors, or if fuch letter of attorney is made by the executors or adminiftrators of any fuch officer or feaman, and made within the bills of mortality of the cities of *London* and *Westminster*, is attested by an officer to be appointed by the treafurer of his Majefty's navy, for the purpose of infpecting the wills, and letters of attorney, of fuch officers and feamen, or, if made at any of the ports where feamen's wages are paid, is attested by the treafurer of the navy's chief or fecond clerk there, or if made at any other place, is attested by the minifter and churchwardens of any parifh in *England* or *Ireland*, or in that part of *Great Britain* called *Scotland*, by the minifter and two elders of the parifh where fuch petty officer or feaman, executors or adminiftrators, fhall refpectively refide.

Letters of attorney, &c. to be attested by the captain of the fhip, &c.

if made within the bills of mortality, to be attested by an officer appointed for that purpose; if in any out port, by the treafurer of the navy's clerk; and in any other place by the minifter, etc.

II. And be it enacted by the authority aforefaid, That every fuch letter of attorney, and will, fhall contain the name of the fhip to which the perfon granting the fame laft belonged, and alfo the full defcription of the refidence, profeflion, or bufinefs, of the perfon to whom or in whole favour the faid letter of attorney, or will, is made, and alfo the day of the month, and place where the faid letter of attorney, or will, was executed.

Particulars to be fpecified in letters of attorney and wills.

III. And be it enacted by the authority aforefaid, That after fuch letter of attorney, or will, fhall be executed under the hand and feal of the party, and attested in manner above mentioned, the fame fhall not be delivered to fuch party himfelf, or to any perfon or perfons for his behalf, but the fame, if executed abroad, fhall be, with all convenient fpeed, fent by the commander of any of his Majefty's fhips, or agent of his Majefty's hofpitals or fick quarters, at the times when they tranfmit their refpective returns to the navy and fick and hurt boards; or, if

Letters of attorney, etc. to be tranfmitted to the navy; or fick and hurt boards, etc.

executed in *Great Britain or Ireland*; shall be sent by the commander of any of his Majesty's ships, agents of his Majesty's hospitals or sick quarters, treasurer of the navy's clerks, minister of the parish, or whoever of them shall attest such letter of attorney, or will, by the general post, addressed to the treasurer or paymaster of the navy, at the navy pay office, *London*.

Letters of attorney, &c. to be delivered to the officers appointed to inspect them, who is to register them;

IV. And be it enacted by the authority aforesaid, That the said treasurer or paymaster of the navy shall immediately deliver over the same to the officer before mentioned, appointed for inspecting the wills and letters of attorney of seamen; which inspector shall, immediately on receipt of such letter of attorney, or will, duly register the same, in a numerical and alphabetical manner, in a separate book or books, to be kept by him for the purpose of registering such letters of attorney, and wills, specifying the date of such letter of attorney, or will, and the place where executed, the name and addition of the person in whose favour such letter of attorney is granted, and the name and addition of the executor or executors named in such wills, and the names and qualities of the witnesses attesting the same; and the said inspector is directed and hereby required, if the same shall appear to be witnessed by the commander of any ship, or agent of his Majesty's hospital or sick quarters, or treasurer of the navy's clerks, to examine and compare his signature to the attestation of such letter of attorney, or will, with that set and subjoined to the pay or muster books of such ship, or with the returns made by the agent of such hospital or sick quarters, or any publick accounts signed by such clerk of the treasurer of the navy, to all which documents it is hereby directed he shall have free access at all times, or with any other instruments which he may have in his possession or power; and in case it shall appear to him that such letter of attorney, or will, is not genuine and authentick, he shall not pass the same, but shall give notice by letter, to be sent by the general post, to the person in whose favour such letter of attorney is granted, or person or persons named executor or executors in such will, informing him or them that the said letter of attorney, or will, is stoppt, and the reason thereof; but if, upon such examination and enquiry, it shall appear to the said inspector that the said letter of attorney, or will, is genuine and authentick, he, or a person authorised to officiate for him, shall sign his name to such letter of attorney, or will, and also put a stamp thereon, to be made and kept for the purpose, in token of his approbation thereof; and every such letter of attorney shall be kept as one of the vouchers of the treasurer of the navy's accounts; and the said inspector shall, immediately after such enquiry and approbation, give notice by letter, to be sent by the general post to the person in whose favour such letter of attorney is granted, that he has received and approved of the same, and he shall at the same time send to such attorney a check, specifying the number of such letter of attorney, the name and addition of the person granting the same, the name and addition of the person in whose favour

and to examine the signatures of the witnesses;

and where they appear not to be genuine, to stop them and acquaint the parties thereof.

If genuine, approbation to be stampt thereon, and kept as vouchers of the navy accounts.

Notice to be sent to the attorney when powers are approved, and also checks to authorise

favour the same is granted, the date and place when and where they to receive the money.
 executed, and the names of the witnesses attesting the same, which said check shall be signed and stamped by the said inspector, or person authorized to officiate for him, and shall to such attorney stand in the place of his original letter of attorney, and shall be to him a sufficient authority to demand payment of and discharge all such wages, pay, prize money, or allowance of money, to which the person granting the same was entitled for his service on board any of his Majesty's ships; and the said inspector shall in like manner give notice, to be sent by the general post to the person or persons named and appointed executor or executors in such will, that such will is received and approved of, and the said inspector shall number and register the said will so signed and stamped by him as aforesaid, and shall make out a check, in the manner as above directed with respect to letters of attorney, which check he shall forward in like manner to the said executor or executors, and which shall be a sufficient authority for them, or for their attorneys, to apply, upon the testator's death, to the said inspector, requesting that the will may be directed and sent by him to a proctor in *Dockers* (*u u u*), where they may, on application, obtain probate thereof, which probate, when obtained, shall be lodged with the said inspector of seamen's wills, who, or the person authorized to officiate for him, is hereby directed to certify, upon the check formerly delivered, that a probate has been granted, and the check shall then, to such executor or executors, stand in the place of such probate, and shall be to him a sufficient authority to demand payment of and discharge all sums that shall be due to him as executor to the party who made the said will.

Notice of a prohibition of wills like wife to be sent, which will authorize the executor to obtain probates

Probates to be lodged with the inspector, and the same certified upon the check

V. And be it enacted by the authority aforesaid, That the above mentioned inspector shall, in return to all letters of attorney and wills received by him from ministers of parishes, give notice as aforesaid to the said minister who transmitted the same, and not to the grantor thereof, of his having passed and approved of such letter of attorney, or will, and send the check by the general post, made out in the manner above mentioned, to the said minister, and which notice from the said inspector shall be addressed to the minister of the parish, (naming the sum), without inserting the name of such minister, to be delivered to him at his manse or dwelling house, and every such minister of a parish shall deliver the said check to the party who executed such letter of attorney, or will, and all letters and packets addressed to, or sent by, the said treasurer or paymaster of the navy, or inspector to be appointed as aforesaid, shall, from and after the passing of this act, be sent and received free from the duty of postage, in the same manner, and under the same restrictions, as the clerk assistant, and chief clerk without doors, of the house of commons of Great Britain now send and receive the same.

Inspector to send checks to the minister who transmits powers of attorney, etc. to be delivered to the grantors.

Letters touching the premises to pass free of postage.

VI. And be it enacted by the authority aforesaid, That all Grants of letters of attorney to be in- captains and commanders of ships shall, upon their monthly muster

ſerted in the
monthly re-
turns.

The ſteps to
be taken to re-
cover wages,
etc. due to
men dying in-
teſtate.

muſter books or returns, ſpecify which of the men mentioned in the ſaid returns have granted any letter of attorney during that month, or ſpace of time from the preceding returns, by inserting the date thereof oppoſite to the party's name.

VII. And be it enacted by the authority aforeſaid, That when any petty officer or ſeaman belonging, or who ſhall have belonged to any of his Maſteſty's ſhips, ſhall die inteſtate, leaving any wages, pay, prize money, or aſſowance of money of any kind, due to them in reſpect of ſuch ſervice, the ſame ſhall not be paid unto any representative of ſuch inteſtate, but upon letters of adminiſtration to be obtained in the following manner; *videlicet*, The perſon claiming ſuch adminiſtration ſhall give in a note or petition to the inſpector of ſeamen's wills, ſtating the name of the deceaſed, and to what part of his Maſteſty's dominions he originally belonged, and the name or names of the ſhip or ſhips on board of which he ſerved, together with his own name and addition at full length, and his relation to, or connection with, the deceaſed, and alſo what other relations, to the beſt of his knowledge, the deceaſed has alive at the time, and where they are reſident; and which petition ſhall be certified by two reputable houſekeepers of the pariſh, town, or place where ſuch petitioner is reſident, certifying that they believe the contents of the ſaid petition to be true; and which petition and certificate ſhall be further certified by the miniſter of the pariſh, and two of the churchwardens, or two of the elders, certifying that the two perſons who certified the petition, in manner above mentioned, are reſident within the pariſh, and perſons of good repute: whereupon the inſpector of ſeamen's wills, as aforeſaid, ſhall make ſuch enquiry as to him ſhall appear neceſſary for aſcertaining the truth of the ſaid petition; and if, upon ſuch enquiry, he ſhall be ſatisfied of the truth thereof, and it alſo appearing that no will of ſuch deceaſed has been lodged with him, he ſhall deliver or ſend, to the perſon claiming to be ſuch adminiſtrator, an abſtract of the ſaid petition, with a note or ticket ſubjoined thereto, ſigned by the ſaid inſpector or perſon authorized to officiate for him, and marked with his ſtamp, certifying that the contents of the ſaid petition appear to him to be true, and that the perſon claiming to be adminiſtrator may obtain letters of adminiſtration to the deceaſed, provided he is otherways entitled thereto by law; which certificate ſhall be directed by the inſpector to a proctor in *Doeſtor's Commons*, for the purpoſe that letters of adminiſtration may paſs in favour of the petitioner, if entitled thereto by law, but not otherways; and ſuch original petition and certificate ſhall be lodged and remain in the records of the treaſurer of the navy, and be preſerved by him; and the letters of adminiſtration, when obtained, ſhall be lodged and regiſtered, in the ſame manner with the probates of wills, in the hands of the inſpector, who is hereby directed to grant a check, ſigned and ſtamped by him, or by the perſon authorized to officiate for him, to the adminiſtrators, or their attorneys, which ſhall

land in the place of the administration, and be to them a sufficient authority to demand payment of and discharge all sums that shall be due to them as administrators to the party deceased.

VIII. And it is hereby further enacted, That if any proctor, register, or other officer of any ecclesiastical court, shall be aiding and assisting in procuring probate of the will, or letters of administration, for the purpose of enabling any person to receive the wages, pay, prize money, or allowance of money of any kind, due or becoming due for their service on board any ship or ships then in, or formerly belonging to his Majesty, his heirs and successors, without first obtaining the certificate from the inspector of seamen's wills and letters of attorney, or person authorized to officiate for him, in manner above directed, every such proctor, register, or other officer, shall forfeit and pay the sum of five hundred pounds, and for ever after be incapable of acting as proctor, register, or in any other capacity, in any ecclesiastical court in *Great Britain or Ireland*.

Penalty on proctors, etc. assisting in procuring probates of wills, etc. contrary to this act.

IX. And be it enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, shall direct abstracts of this act to be printed, and that a competent number of the copies of the said abstracts be delivered to the captain or commander of every ship and vessel of his Majesty, his heirs and successors; and such captain or commander, as soon as the ship or vessel by him commanded shall be put into sea pay, shall cause one of the said printed abstracts to be hung up and affixed to the most public place of such ship or vessel, and shall cause the same to be constantly kept and renewed, so that they may at all times be accessible to the petty officers and seamen on board of such ship or vessel; and the commissioners of the navy are hereby charged and directed strictly to enquire whether the directions hereby given for hanging up and affixing the said abstracts, as aforesaid, have been duly observed by the captain or commander of such ship or vessel, and not to grant such captain or commander his general certificate until they are fully satisfied thereof.

Abstracts of this act to be hung up in every ship, and no captain to have his general certificate till the navy board are satisfied it has been done.

C A P. LXIV.

An act to discontinue, for a limited time, the several duties payable in Scotland upon low wines and spirits, and upon worts, wash, and other liquors, there used in the distillation of spirits; and for granting to his Majesty other duties in lieu thereof.

WHEREAS the mode established by the laws and regulations now in force, for charging and securing the rates and duties imposed upon wort, wash, and other liquors, used in that part of *Great Britain* called *Scotland*, for the distilling of spirits for home consumption, hath not been found to answer the good purposes thereby intended within that part of the united kingdom, and it is therefore expedient to impose, in lieu thereof, a moderate duty upon the said wort,

wort,

wort, wash, and other liquors, to be ascertained by the size or content of the stills there lawfully used in the making of low wines and spirits, and to impose a further equalizing duty upon such spirits, made in Scotland for home consumption, as shall be brought from thence into any other part of the united kingdom; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several rates and duties granted and imposed by any act or acts of parliament now in force, or which stand and remain discontinued or suspended, for any time or term, upon any wort, wash, or other liquor, or any mixture with the same, for extracting of low wines or spirits in Scotland, or upon the low wines or spirits there made or manufactured, or upon any licence required to be taken by any distiller or maker of spirits from corn or malt in Scotland (save only and except any arrears now due in respect of such rates or duties), shall be discontinued for the space of two years, to be computed from the fifth day of July, one thousand seven hundred and eighty-six.

The duties now payable in Scotland, on distillation of spirits, &c. to be discontinued for 2 years, from July 5, 1786.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and eighty-six, there shall be substituted, charged, and paid to his Majesty, his heirs and successors, by the distillers or makers of spirits in that part of Great Britain, called Scotland, for and during the aforesaid term of two years, the rates and duties following; that is to say,

For every still 2l. 10s. annually, for each English wine gallon of its contents, where British materials are used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits, for the making of low wines or spirits from corn, grain, malt, tilts, cyder, or perry, or other wash or liquor made or brewed from any sort or kind of *British* materials, or any mixture with the same, the yearly sum of one pound ten shillings sterling:

For each gallon of its contents 2l. 10s. where melasses or sugar is used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits, for making low wines or spirits from melasses or sugar, or any mixture therewith, the yearly sum of two pounds ten shillings sterling:

3l. for every gallon where other foreign materials are used.

For and upon every gallon, *English* wine measure, of the capacity or content of each and every still, including the head thereof, which shall be used or employed by such distiller or maker of spirits for making low wines or spirits from foreign refused wine, or foreign cyder or wash prepared from foreign materials, except melasses and sugar, or any mixture therewith, the yearly sum of three pounds sterling:

No wash still under 50 gal-

Which said respective duties shall be paid by the person or persons,

sons; and at the respective times, and in the manner herein-after mentioned: provided that no wash still to be so licensed, shall be of a less content or capacity, including the head thereof, than fifty gallons, *English* wine measure; and that there be at the same time licensed with every wash still, or low wine still, or spirit still, of a content or capacity not less than one fourth part of the content or capacity of such wash still.

lons to be licensed, nor then, unless therewith be licensed a spirit still of one fourth of its content.

III. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons whatever shall by him, her, or themselves, or by any other person or persons whatever, employed by him, her, or them, or for his, her, or their use or benefit, work or erect any still or stills, for the distilling, making, or manufacturing of low wines or spirits, from malt or corn, or any of the materials aforesaid, in *Scotland*, without first taking out a licence or licences for that purpose; which licences shall be, from time to time, granted by such persons in *Scotland* as the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, shall authorise and appoint, and which persons shall be under and subject to the order and controul of the commissioners of excise in *Scotland*, in such manner as the said commissioners of the treasury, or the lord high treasurer, shall declare and direct, and which licence the said person or persons so to be authorised are hereby directed to grant to all persons who shall apply for, and be duly qualified to receive the same, ten days at least before he, she, or they shall so erect or work such still or stills, and first paying into the hands of the proper officer of excise such proportion of the yearly rate or duty hereby imposed, according to the content or capacity of the still or stills so to be worked or erected as aforesaid, as is herein-after directed.

No distiller to work without first taking out a licence.

IV. Provided always, and be it further enacted, That it shall and may be lawful for any distiller or distillers, after obtaining such licence as aforesaid, to prepare wort, wash, or tilts, for the space of ten days before the time fixed by the said licence for commencing distillation; provided also, That such distiller or distillers shall not begin to distil any low wines or spirits, previous to the time fixed by the said licence for that purpose, upon pain of incurring all the penalties and forfeitures directed to be inflicted on persons working with unlicensed stills.

Distillers may prepare wort 10 days before the commencement of licences, but incur the penalties for using unlicensed stills, if they begin to distil before such commencement.

V. And be it further enacted, That every licence to be granted by virtue of this act shall continue in force twelve calendar months from the date thereof, and no longer; and that all and every person or persons who shall take out any such licence as aforesaid, and who shall intend to continue to work any still or stills, after the expiration of such licence, is and are hereby required to take out a fresh licence, ten days at least before the expiration of twelve calendar months after taking out the former licence, in manner before directed, and to pay the like sum upon the granting every renewed licence, as is by

Licences to be renewed annually, ten days before expiration.

this

this act provided and directed in the case of the original or first licence.

Licences may be taken out within six weeks after July 5, 1786, which will continue in force till July 5, 1787, etc.

VI. Provided always, and be it enacted, That it shall and may be lawful for every person or persons to take out a licence or licences under this act, at any period within the space of six weeks after the commencement of this act, which licence or licences shall continue and be in force until the fifth day of *July*, which shall be in the year of our Lord one thousand seven hundred and eighty-seven; at which period every licence taken out under this act shall cease and determine, unless renewed in the manner herein-after directed: provided also, That every such person or persons who shall take out any licence or licences within the said six weeks after the commencement of this act, shall be obliged to pay in advance for such licence or licences a rateable proportion of the licence duty by this act imposed, corresponding to the number of weeks or days that shall be to run before the said fifth day of *July*, which shall be in the year of our Lord one thousand seven hundred and eighty-seven.

Licences may be taken out at any time during the first year, on the terms herein specified.

VII. Provided also, and be it enacted, That it shall and may be lawful for any person or persons to take out a licence or licences under this act at any period during the first year of this act, which licence or licences shall be current to the fifth day of *July*, which shall be in the year of our Lord one thousand seven hundred and eighty-seven; and such person or persons, upon taking out such licence or licences, shall pay down the licence duty by this act imposed, as if such licence or licences had been taken out at the expiration of the said first six weeks as aforesaid, and shall also pay *per* advance such rateable proportion of the duty for the time that shall remain of the said licence or licences being in force, in the manner herein-after directed.

Unlicensed persons using stills forfeit 3l. for each gallon of their contents, and the stills, etc. to be destroyed.

VIII. And be it further enacted, That if any person or persons shall, after the said fifth day of *July*, one thousand seven hundred and eighty-six, erect, work, or use any still or stills for the distilling, making, or manufacturing of low wines or spirits from malt or corn, or any other of the materials aforesaid, in *Scotland*, or keep any such still or stills, without first taking out such licence, or renewing the same yearly, in manner aforesaid, he, she, or they shall respectively forfeit, for every such offence, the sum of three pounds sterling for each gallon *English* wine measure of the capacity or content of such still or stills; and such still or stills, with the whole utensils for brewing or manufacturing worts, wash, low wines or spirits, in the possession of such person or persons, shall be seized and forfeited, and the said still or stills shall be completely destroyed in the presence of the magistrate before whom the said still or stills and utensils shall be condemned; which sums shall be levied and taken from every offender, without deduction or mitigation by any court or magistrate whatever, any act or acts to the contrary notwithstanding.

IX. Provided always, and be it enacted, That no diftiller or diftillers, maker or makers of low wines or fpirits from malt or corn, or any other of the materials aforefaid, fhall erect, work, ufe, or have in his, her, or their poffeffion any ftill or ftills, upon any pretence whatever, in any houfe or place other than the houfe or place previously entered by him, her, or them, at the proper office of excife, according to the feveral laws in that behalf made and provided, on pain of forfeiting and lofing the fum of three pounds fterling for each gallon of the capacity or content of fuch ftill or ftills, and of the further fum of two hundred pounds fterling for each time it fhall be proved that he, fhe, or they hath or have ufed fuch ftill or ftills, the fame to be levied without mitigation in the manner aforefaid, and the faid ftill or ftills fhall be feized, forfeited, and destroyed in the manner aforefaid, any act or acts to the contrary notwithstanding.

Persons using ftills in unentered places to forfeit 3l. for each gallon of their contents, and 200l. for each time of working.

X. And be it further enacted, That upon, or previous to the granting of any fuch firft or renewed licence, the perfon or perfons applying for the fame fhall, before he, fhe, or they fhall be intitled to fuch licence, make payment in advance to the proper officer of excife appointed to receive the fame, of one fixth part of the annual duty hereby charged upon his, her, or their ftills, and fhall afterwards, at the expiration of the firft two months, and fo afterwards at or before the end of every two months of the unexpired term of his, her, or their faid annual licence, make payment in advance of a further proportional part of the faid annual duty, in fuch form and manner as that the faid duty fhall always be paid two months in advance into the receipt of the excife.

One fixth part of the annual duty to be paid when licences are granted, and a proportionable part every two months afterwards.

XI. And be it further enacted, That no perfon or perfons fhall be capable of taking out or receiving any fuch licence as aforefaid, fave only the actual owner or owners of the ftill or ftills intended to be worked by virtue thereof, and of the implements thereto belonging, and every perfon and perfons demanding fuch licence fhall, if required, take and fubfcribe an oath, before one or more of the commissioners of excife in Scotland, or any juftice of the peace for the county in which he, fhe, or they fhall happen to refide, (and which oath fuch commissioners or juftice are and is hereby impowered to adminifter), that the faid ftill or ftills, and implements, are his, her, or their property, and that the work intended to be carried on is at his, her, or their rifque, and on his, her, or their account; and in every licence, which fhall be granted by virtue of this act, there fhall be expreffed and fpecified the chriftian name or names, and the furname or furnames of the perfon or perfons to whom the fame fhall be refpectively granted, the place or places of his, her, or their refpective refidence, and the name of the parifh or place where fuch ftill or ftills are intended to be fet up, erected, and ufed, together with the refpective dimensions or gauges of fuch ftill or ftills, and declaring for what particular ufe each refpective ftill is intended to be employed, whether it be for the diftillation

None but the owners of ftills to be entitled to licences.

Licences to exprefs the party's name, &c.

of low wines, or for the distillation of wash, and if for the distillation of wash, specifying from what materials such wash shall be prepared, and also specifying the sum of sums paid for the duty, and the times when the future payments shall respectively become due, and when such licence will cease and expire.

Wash still may be used as a spirit still, etc.

XII. Provided always, and be it enacted, That no words contained in the said licence shall extend, or be construed to extend, to prevent any distiller or distillers to use his wash still in distilling of spirits, or his spirit or low wine still in distilling of wash, upon notice being previously given to the officer, and the cause stated for such alteration in the said notice.

Rectifiers of spirits, etc. not to have licences for distilling, etc.; nor to carry on both trades at one time.

XIII. And be it further enacted, That it shall not be lawful for the person or persons to be named as aforesaid to grant, or to authorize any other person or persons to grant, to any rectifier or compounder of spirits, or to any common brewer or victualler, any licence for working, erecting, or keeping of any still or stills, for the distilling of wash or low wines, so long as he, she, or they doth or shall continue to carry on the business of a rectifier or compounder of spirits, or common brewer or victualler for brewing or selling of beer or ale, in Scotland; and that no person or persons shall be allowed during the continuance of this act, to carry on the trade of a distiller with that of common brewer or victualler, or the trade of a rectifier of spirits with that of a common brewer or victualler, at one and the same time, on pain that every such person or persons shall be deemed to carry on such respective trades contrary to law, and be liable to the several pains and penalties inflicted against persons carrying on the trade of a distiller or rectifier without licence.

No licence to be valid till indorsed by the officer of excise of the district.

XIV. And be it further enacted, That, during the continuance of this act, no licence to be granted as aforesaid shall be available or of any effect until the same shall have been produced to, and a copy thereof delivered to, the officer of excise of the division, district, place, or bounds wherein the still or stills thereby to be licensed is or are erected, or intended to be erected, the production and receipt of which licence every such officer is hereby required to acknowledge and certify *gratis*, under his hand, by indorsement upon such licence (if the party shall require the same), and that such production and delivery shall be deemed and held as a sufficient entry of such still or stills; any thing herein, or in any other act or acts contained to the contrary notwithstanding.

New stills, of the same capacity, may be erected in place of destroyed ones, without a new licence.

XV. And be it further enacted, That if any such still or stills, to be so licensed as aforesaid, shall, during the continuance of such licence, by any unavoidable accident, be destroyed or rendered unfit for use, the owner thereof shall immediately give notice in writing of such accident to the proper officer or supervisor of excise of the division, district, place, or bounds, and shall be at liberty forthwith after such notice to erect a new still or stills; and in case such new erected still or stills be not of a larger

larger capacity or content than the said former still or stills respectively, it shall be lawful for such owner or owners to work the same, during the term to come and unexpired of his, her, or their subsisting licence or licences, without taking out any new licence for that purpose; but if such new erected still or stills shall be of any larger capacity or content respectively than the said former still or stills, the owner or owners thereof shall take out a new licence for erecting and working the same, which new licence shall have duration only for the unexpired term of the old licence, and an additional duty for such unexpired term shall be advanced and paid according to the increased capacity or content of such new still or stills, on the taking out of such new licence.

XVI. And be it further enacted, That if the owner or owners of any licensed still shall not, within the time limited by this act for the renewal of licences, renew his, her, or their licence for the next ensuing year, such owner or owners shall, immediately after the expiration of his, her, or their said licence, either wholly pull down his, her, or their still or stills, in the presence of the proper officer of excise of the division, district, or place, or deposit in the excise office of the division, district or place, the head of every such still, and such of the utensils or implements belonging to such still as such officer shall think proper to select, and also remove and take away the several pipes and worms of such still or stills, to the satisfaction, and under the direction of the said officer, so as thereby effectually to render such still or stills incapable of being worked or used, in which state such still or stills shall remain and continue until the same shall be either again duly licensed, according to the directions of this act, or be absolutely and wholly pulled down, removed and disposed of, in the presence of the proper officer of excise; and if any such owner or owners shall neglect or refuse to observe or comply with any of the directions hereby given, he, she, or they shall forfeit and lose, for every such neglect or refusal, the sum of three pounds sterling for each gallon of the content of such still or stills; and every such still or stills shall also be lost and forfeited, and be utterly destroyed in the presence of the magistrate before whom the same shall happen to be condemned.

If licences be not renewed, the stills must be taken down, etc.

Penalty on neglect.

XVII. And be it further enacted, That when and so often as the property and possession of any licensed still or stills shall be changed, the person or persons becoming intitled thereto shall forthwith, after such change of property and possession, and before any such still or stills is or are by him, her, or them attempted to be charged and worked, give notice thereof in writing to the proper officer of excise of the division, district, place, or bounds, within which such still or stills shall be situated; and shall thereupon, and upon making oath before a magistrate of his, her, or their property therein, if required by such officer, be permitted to work such licensed still or stills, for the unexpired term of the subsisting licence, upon the same conditions as are expressed and specified in such licence.

Notice of the change of property in stills must be given to the officer of excise.

Notice must be given by the purchaser of a licensed still, if he does not intend to work it, etc.

XVIII. Provided always, and be it further enacted, That if upon any such change of property and possession of or in any such licensed still or stills, the person or persons becoming intitled thereto shall not be desirous of working such still or stills, such person or persons shall, within three days after his, her, or their title thereto shall have accrued, signify the same in writing to the proper officer of excise, and deposit with him the head or heads belonging to such still or stills, and also such of the utensils belonging thereto as the said officer shall select, in order to render such still or stills incapable of being used, and such still or stills shall not be again used until a new licence shall be granted for that purpose, and the duty which would have become due for the unexpired term of the subsisting licence, to be computed from the time of giving such notice as aforesaid, shall cease to be paid; but no claim shall lie for repayment of any part of the duties which shall have been paid in advance as aforesaid.

Persons neglecting to pay the duties regularly, or using other than licensed stills, not to have licences granted, etc.

XIX. And be it further enacted, That if any person or persons, being licensed as before mentioned, shall neglect to pay the said duties imposed by this act, or any part thereof, in advance, in the manner and at the time or times directed by this act; or if any person or persons shall erect, work, or make use of, any other still or stills, in that part of *Great Britain* called *Scotland*, than what shall be specified in his, her, or their licence, whether of the same, or of any different description, capacity, or content, than shall have been so specified, every such person or persons shall be subjected and liable to the pains, penalties, and forfeitures, which are herein-before inflicted for the offence of erecting or using an unlicensed still or stills, and shall be rendered incapable of receiving any licence for carrying on any distillery in future.

Penalty on persons not being licensed distillers, who shall distil, etc.

XX. And be it further enacted, That if any rectifier or compounder of spirits, or any chemist, druggist, or perfumer, or any person whatever, other than a licensed distiller, shall have in his, her, or their possession any wort, wash, tilts, or other fermented liquor, capable of being distilled into low wines or spirits, or shall distil or extract any low wines or spirits from wort, wash, tilts, corn, melasses, sugar, cyder, refused wines, or other liquor, every such person or persons so being in possession of any such materials, prepared for the purpose of being distilled into low wines or spirits, shall forfeit and lose the sum of five pounds for every gallon of such wort, wash, tilts, or other fermented liquors, together with all the wort, wash, tilts, or other liquors in his, her, or their custody or possession; and every such person or persons, so unlawfully distilling or extracting as aforesaid, shall forfeit, for every such offence, the sum of five pounds for every gallon of the capacity or content of his, her, or their still or stills; and such still or stills, together with the implements and utensils thereunto belonging, shall be seized and forfeited, and shall, on the condemnation thereof, be destroyed in the manner herein-before directed in other cases of the forfeiture of any still or stills; and such person or persons shall moreover forfeit and lose

loſe all the worts, wathi, tilts, and ſpirits in his, her, or their cuſtody.

XXI. And be it further enacted, That no perſon or perſons, in that part of *Great Britain* called *Scotland*, ſhall, during the continuance of this act, be capable of carrying on the trade or buſineſs of a chemiſt, druggiſt, or perfumer, who ſhall uſe any ſtill or ſtills, or any other trade or buſineſs requiring the uſe of any ſtill or ſtills, without firſt taking out an annual licence for that purpoſe from the perſon or perſons to be nominated and appointed as aforeſaid, and which licences the ſaid perſon or perſons ſhall and are hereby required to grant accordingly, upon the payment of ſuch fees for the ſame as are herein-after directed to be paid for ſuch licences, but free from the payment of every duty of exciſe; and every ſuch licence ſo granted ſhall ſpecify the chriſtian name or names, and the ſurname or ſurnames, trade and buſineſs, of the perſon or perſons thereby licensed, and the place where ſuch trade or buſineſs is intended to be carried on, and the number of their reſpective ſtills, and the capacities or contents thereof reſpectively; and no chemiſt, druggiſt, or perfumer, ſhall uſe or have in his, her, or their poſſeſſion any ſtill or ſtills of any greater capacity or content than that of fifty gallons, *Engliſh* wine meaſure, upon pain of forfeiting the ſum of five pounds ſterling for every gallon which the content of ſuch ſtill or ſtills ſhall exceed the quantity of fifty gallons as aforeſaid; and every ſuch licence ſhall be produced, and a copy thereof delivered, by or on behalf of the perſon or perſons taking out the ſame, unto the exciſe officer of the diſtrict, place, or bounds, before the ſame ſhall be available in law; and ſuch officer ſhall, on the requiſition of the party or parties, acknowledge, in writing to be indorſed on ſuch licence, the production thereof, and the receipt of ſuch copy; and every ſuch licence ſhall remain and continue in force from the date thereof, for and during the ſpace or term of twelve calendar months next enſuing, and may be renewed for a further term of twelve calendar months within the ſpace of ten days before the expiration thereof; and if any chemiſt, druggiſt, perfumer, or other perſon or perſons, ſhall uſe any ſtill or ſtills, for any purpoſe whatever, without firſt taking out a licence for the ſame, and producing ſuch licence, and delivering ſuch copy thereof to the officer of exciſe as aforeſaid, or ſhall make uſe of any other ſtill or ſtills than ſuch as ſhall be ſpecified in ſuch licence, or ſhall make uſe of any ſuch licensed ſtill or ſtills at any place other than the place which ſhall be ſpecified in the ſaid licence, or in any houſe or place other than his, her, or their uſual dwelling or known place of carrying on his, her, or their trade and buſineſs, every ſuch perſon or perſons ſhall reſpectively forfeit and loſe the ſum of one hundred pounds ſterling for every ſuch offence, to be levied and paid without mitigation.

No chemiſt, etc. to uſe ſtills without licence;

nor to have ſtills of greater capacity than 50 gallons, on penalty of 5*l.* for every gallon above that quantity.

Chemiſts, etc. uſing ſtills without licence, etc. forfeit 100*l.*

XXII. And be it further enacted, That, for and upon the content or capacity of every ſtill of one hundred and twenty gallons, or upwards, for which any licence ſhall be granted under

Fees to be paid on taking out licences.

and by virtue of this act, there ſhall be paid, by the perſon taking out ſuch licence, a fee after the rate of one penny ſterling *per* gallon, and for every other licence to be granted by virtue of this act, a licence fee of five ſhillings ſterling, which fees ſhall be received by and belong to ſuch officer or other perſon who ſhall be appointed as aforeſaid; and in conſideration thereof, the perſons who ſhall be invited to the benefit of the ſaid fees ſhall keep a register of all the licences which ſhall be granted by virtue of this act, and ſhall, twice in every year, or oftener if required by the ſaid commiſſioners, deliver a duplicate thereof into the general exciſe office in *Edinburgh*, for the ſafe cuſtody thereof.

Licences for ſtills of greater capacity than 50 gallons, may be granted, to carry on chemical experiments, etc.

XXIII. Provided nevertheless, and be it further enacted, That if it ſhall be made appear to the ſaid commiſſioners of exciſe, that any uſeful proceſſes or experiments in chemistry, in that part of *Great Britain* called *Scotland*, ſhall require a ſtill of ſtills of greater content or capacity than that of fifty gallons, *Engliſh* wine meaſure, as aforeſaid, it ſhall and may be lawful to and for the ſaid commiſſioners to authorize and direct a licence or licences to be granted to the owner or owners of ſuch chemical work or works, to uſe, for the purpoſes aforeſaid, a ſtill or ſtills of any larger content or capacity than as aforeſaid; which licence or licences ſhall be in force for the ſpace of one year, and no longer, and for each of which licences a fee of five ſhillings, and no more, ſhall be paid to the perſon or officer to be appointed as aforeſaid, and which ſaid chemical works, if ſpecified in any ſuch licence to be ſecret works, ſhall not be liable to viſitation by any officer or officers of exciſe, excepting only under the conditions and limitations, according to which the chemical works, which are or ſhall be carried on by *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, may or can be lawfully viſited and examined.

But if uſed for diſtilling ſpirits, to be forfeited, etc.

XXIV. Provided alſo, and be it further enacted, That if, upon any ſuch viſitation or examination, it ſhall be found that any ſuch ſtill or ſtills of ſuch larger content or capacity have been uſed in the diſtilling of ſpirits, low wines, or waſh, wort, or tilts, prepared from any of the materials aforeſaid, contrary to the true intent and meaning of the ſaid licence, ſuch ſtill or ſtills, and all the utenſils thereto belonging, ſhall be ſeized, loſt, forfeited, and deſtroyed, as aforeſaid, and the owners thereof ſhall be liable to the ſeveral pains and penalties impoſed by this act upon unlicenſed diſtillers.

Perſons permitting ſtills to be ſet up in unlicenſed places, liable to the penalties of uſing unlicenſed ſtills.

XXV. And be it further enacted, That if any perſon or perſons, occupying any houſe or tenement in that part of *Great Britain* called *Scotland*, ſhall permit any unlicenſed ſtill or ſtills to be ſet up or uſed in ſuch houſe or tenement by any perſon or perſons, for the making or diſtilling of low wines or ſpirits, without giving notice thereof to the proper officer of exciſe, within the ſpace of three days after he or they ſhall have knowledge of the fact, ſuch occupier or occupiers ſhall incur and be ſubject and liable to the ſame pains and penalties as are by law directed

to be imposed or inflicted on persons actually using any unlicensed still.

XXVI. And be it further enacted, That it shall and may be lawful for any officer or officers of excise in *Scotland*, to enter, during lawful hours, into the still house, or other place where any still or stills (whether the same be licensed or not licensed) shall be kept, worked, or used, or where any wort, wash, low wines, or spirits, are prepared or distilled, and to examine the same; and in case any still or stills shall be there found in a state capable of being worked, the same not having been duly licensed, or in case any wort, wash, low wines, or spirits, shall be there found contrary to the true intent and meaning of this act, every such still or stills, and the liquor therein, with all the utensils and implements thereto belonging, or therewith used, and also such wort, wash, low wines, and spirits, shall be seized by any officer or officers of excise, and shall be lost and forfeited, and the said still or stills shall be destroyed in the manner herein before directed.

Officers may examine still houses, and if any are found working contrary to this act, the stills to be forfeited.

XXVII. And be it further enacted, That every officer of excise who shall, in that part of *Great Britain* called *Scotland*, seize and bring to condemnation any still by this act made liable to seizure and forfeiture, (except in the case of such still or stills being seized on the discovery of any other person, in the manner herein-after specified), shall be entitled to a reward of two shillings and sixpence sterling for every gallon of the content or capacity of such still, including the head thereof, to be paid out of his Majesty's duties of excise in *Scotland*, upon an order from the said commissioners of excise, which order the said commissioners are hereby authorized and required to grant: provided nevertheless, That such reward shall not exceed the sum of twenty-one pounds sterling for any one still so seized as aforesaid: and if any person (not being an officer of excise) shall make discovery of any still liable to seizure and forfeiture as aforesaid, so as that the same shall be seized and condemned, such person or persons shall be entitled to a reward of one shilling and sixpence sterling for every gallon of the capacity or content of such still, to be paid on the condemnation thereof: provided also, that such reward shall not exceed the sum of ten pounds and ten shillings sterling for any one still so forfeited as last aforesaid; and the officers or officer of excise, by whom the same shall be seized, shall also be entitled to a reward of one shilling sterling for every gallon of the content or capacity of such still, so that such last mentioned reward shall not, for any one still, exceed the sum of ten pounds and ten shillings sterling; and that such several rewards shall be paid by the order of the said commissioners of excise as aforesaid; and if, by reason of the small size of any such still or stills, the said commissioners of excise shall think any of the rewards aforesaid insufficient, the said commissioners shall, and they are hereby authorized to augment the same respectively, not exceeding the respective sums aforesaid.

Officer entitled to 2s. 6d. per gallon, of the contents of stills seized on his own discovery of fraud; but not to exceed 21l. for one still.

Persons, not officers, making discovery of stills liable to seizure, and the officers seizing, entitled to rewards as herein specified.

XXVIII. And be it further enacted, That if any officer of excise

Officers not seizing stills

in 24 hours
after infor-
mation, to be
diſmiſſed, etc.

excife ſhall, for the ſpace of twenty-four hours after he ſhall have received information of any ſtill being unlawfully erected, uſed, or kept, or of any wort, waſh, tilts, or low wines, prepared and intended to be unlawfully uſed in diſtillation, wilfully neglect to ſeize the ſame reſpectively, every ſuch officer ſo offending ſhall, upon complaint made thereof, and proof of the fact, to the ſatisfaction of the commiſſioners of exciſe in *Scotland*, be diſmiſſed from his or their office, and ſhall never afterwards be capable of ſerving his Maſteſty in any office or place of truſt whatever, and ſhall moreover forfeit and loſe all ſuch ſalary as ſhall be due to him at the time of his diſmiſſion; and 'in caſe the perſon or perſons making ſuch complaint ſhall be the ſame perſon or perſons who gave the information as aforeſaid, to the officer or officers ſo diſmiſſed, ſuch perſon or perſons ſhall be entitled to a reward of one ſhilling and ſixpence ſterling, for every gallon of the content or capacity of the ſaid ſtill or ſtills, to be paid by the order of the ſaid commiſſioners of exciſe out of the revenues of exciſe.

xs. 6d. per
gallon to be
allowed in-
formers mak-
ing complaint
of officers not
ſeizing.

No ſpirits to
be removed
from the ma-
nufactory
without certi-
ficate from the
diſtiller of the
quantity, etc.

XXIX. And be it further enacted, That no ſpirits, made from any of the materials aforeſaid, ſhall be removed or ſent from the place of their manufacture, without being accompanied by a certificate, ſubſcribed by the licenſed diſtiller or maker thereof, or his known and authorized agent, expreſſing that the ſame were made by him, and alſo ſpecifying the quantity of ſuch ſpirits, and the number of caſks or packages in which the ſame are contained.

Spirits remov-
ed by land
carriage from
Scotland into
England, to be
forfeited, etc.

XXX. And be it further enacted, That, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-fix, no ſpirits, whether raw, rectified, or compounded, made from any of the materials aforeſaid, in that part of *Great Britain* called *Scotland*, by any perſon or perſons whatever, ſhall be removed or ſent from that part of *Great Britain* called *Scotland*, into any other part of *Great Britain*, by land carriage; and if the ſame ſhall be ſo ſent or removed, the ſaid ſpirits, with the packages and caſks containing the ſame, ſhall be forfeited and loſt, with the horſes and carriages employed in conveying the ſame.

All ſpirits
removed by
water into
England, to be
forfeited if not
accompanied
with a certi-
ficate, etc.

XXXI. And be it further enacted, That all ſpirits, whether raw, rectified, or compounded, made from any of the materials aforeſaid, which ſhall, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-fix, be removed or conveyed by water from any part of *Scotland*, to any other part of the united kingdom, ſhall be accompanied by a certificate from the maker, diſtiller, rectifier, or compounder thereof, or his known and authorized agent, ſpecifying the number and the reſpective marks of the ſeveral packages, and the quantity of gallons contained in each of ſuch packages, and the reſpective degrees of ſtrength of the ſpirits in each package, together with the different ſpecies or kinds of the ſaid ſpirits, and ſhall alſo be accompanied by a regular clearance from the proper cuſtom-houſe in *Scotland*; and that all ſpirits which ſhall be removed or conveyed, or be attempted to be removed or conveyed from *Scotland* into

into any other part of the united kingdom, without being accompanied by ſuch certificate and clearance as aforeſaid, ſhall, together with the packages containing the ſpirits, and the ſhip or veſſel conveying the ſame, with her ſtores and tackle, be ſeized, loſt, and forfeited.

XXXII. Provided alſo, and be it further enacted, That when any rectified or compounded ſpirits ſhall be ſent from that part of *Great Britain* called *Scotland* by water into any other part of the united kingdom, the ſame ſhall, over and beſides ſuch certificate and clearance as aforeſaid, be accompanied with a permit from the proper officer of exciſe, or, in default thereof, ſuch ſpirits, with the packages containing the ſame, ſhall be loſt and forfeited: provided always, That no ſuch ſpirits, ſhip or veſſel, as aforeſaid, ſhall be liable to ſeizure for or on the account of any ſmall difference or deficiency in the gauge of ſuch ſpirits at the time of their arrival in port, or any other deficiency, when the ſame ſhall be proved to have been occaſioned by accident and without fraud.

Rectified ſpirits muſt alſo have a permit from the exciſe.

XXXIII. And be it further enacted, That, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-fix, all ſpirits of a ſtrength not exceeding that of one to ten over hydrometer proof, which ſhall be manufactured in *Scotland*, and brought from thence into any other part of the united kingdom, ſhall, upon the arrival thereof, be charged with a duty of two ſhillings upon each gallon, *Engliſh* wine meaſure; which ſum, together with the duties by this act directed to be paid in *Scotland* upon licences, ſhall be held and deemed to be equivalent to the duties payable in *England* upon ſpirits of *Engliſh* manufacture, not exceeding the ſtrength aforeſaid; and if the ſtrength of any ſpirits manufactured in and arriving from *Scotland* as aforeſaid, ſhall be of a greater ſtrength than one to ten over hydrometer proof, and ſuch exceſs ſhall not exceed three *per centum* over and above the ſaid ſtrength of one to ten over hydrometer proof, as aforeſaid, then and in ſuch caſe the ſaid ſpirits ſhall be charged with a further duty proportioned to their ſaid ſurplus ſtrength; and the ſaid reſpective duties ſhall be paid to the proper officer of exciſe at the port or place of entry inwards, upon the landing of any ſuch ſpirits, which ſaid duty or duties payable upon importation ſhall be under the receipt and management of the commiſſioners of exciſe in *England* for the time being, and be by them ordered, appropriated, paid, and applied, to and for the ſame uſes and purpoſes as the rates and duties payable in *England* upon wort, waſh, and other liquor, uſed in the diſtillation of ſpirits there for home conſumption, are directed to be appropriated, paid, and applied; and that ſuch ſpirits, whether raw, rectified, or compounded, after being ſo landed and warehouſed, ſhall be conſidered as made or rectified in that part of the united kingdom where the ſaid ſpirits have been to landed and warehouſed, and ſhall be intitled to the ſame allowances as the ſtocks of diſtillers or rectifiers in that part of the united kingdom are intitled to.

Duties to be paid on the arrival of ſpirits from *Scotland* into *England*.

The ſaid duties to be paid at the port of entry, and to be applied as the duties in *England* on wort, etc.

Spirits of a strength of more than 3 in the 100 above 1 to 10 over hydrometer proof, to be forfeited, etc.

XXXIV. And be it further enacted, That if any spirits manufactured in that part of *Great Britain* called *Scotland*, of a strength exceeding that of one to ten over hydrometer proof, shall be shipped on board any vessel in order to their being sent or conveyed from that part of the united kingdom to any other part of the united kingdom, and such excels shall amount to more than three pounds *per centum* above the said strength of one to ten over hydrometer proof, such spirits, with the casks and packages containing the same, shall be seized, lost, and forfeited.

Spirits shipped prior to July 5, 1786, not liable to duty on landing in England.

XXXV. Provided always, and be it further enacted, That all spirits which shall have been made in that part of *Great Britain* called *Scotland*, and *bona fide* put on board any ship or vessel on or before the fifth day of *July*, one thousand seven hundred and eighty-six, and shall be accompanied by a proper permit, shall and may be landed in any other part of the united kingdom without being subject to the payment of any equalizing duty, in the like manner as the same could or might have been landed in case this act had not been made.

Duplicates of permits granted in Scotland for removal of spirits to England, to be transmitted to the excise, etc.

XXXVI. And be it further enacted by the authority aforesaid, That the commissioners of excise in *Scotland* shall, within the space of one month after the time of granting any permit for the removal of any *British* brandy, rectified *British* spirits or compounds, from any port or place in *Scotland*, to any port or place in *England*, transmit the counterpart of such permit, or cause the same to be transmitted, to the commissioners of excise in *England*, in order that they may, and they are hereby directed and required to cause some proper officer or officers to examine and cheque therewith the permit by which such *British* brandy, and rectified *British* spirits and compounds, respectively, shall have been removed as aforesaid; and in order that a further cheque may be had upon the removal of such spirits, a duplicate of such clearance shall be forthwith transmitted to the proper officer or officers of the customs at the port in *England* where such spirits are intended to be landed, who are hereby authorized and required to compare the same with the spirits on their arrival.

Still maker to take out an annual licence, stamp his stills, and give notice to the officer that they may be gauged.

XXXVII. And be it further enacted, That every maker of stills in *Scotland* shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, take out an annual licence from the officer so to be authorized as aforesaid to grant the same, and renew such licence from year to year, and shall pay a fee of five shillings for each of such licences, and no more; and every such maker or makers shall stamp his or their name or names, and the progressive number, and the content or capacity of every still made by him, her, or them, upon the shoulder thereof; and in order that the contents of the said still or stills may be distinctly ascertained, the said maker or makers shall, and he, she, and they is and are hereby required, within three days after smithing any still, to give notice to the excise officer of the district where such still hath been so made, that the same is ready to be gauged and stamped; and such officer is hereby

hereby required, within three days after fuch notification, to gauge fuch ftill, and to grant a certificate, fpecifying the number, content, and maker's name or names of fuch ftill; and in cafe any fuch maker or makers fhall fail to give fuch notice to the faid officer as aforefaid, fuch maker or makers fhall forfeit and pay the fum of ten fhillings for each gallon of the content or capacity of every fuch ftill fo made by him, her, or them.

Penalty on not giving notice.

XXXVIII. And be it further enacted, That if any perfon or perfons fhall import or bring any ftill or ftills into *Scotland*, from that part of *Great Britain* called *England*, or from foreign parts, fuch perfon or perfons fhall, within three days after the arrival of fuch ftill or ftills, give notice of the number, fize, and content of the fame, and of the place where the fame is deposited, to the officer of the divifion, diftrict, place, or bounds; and fuch officer fhall, within twenty-two hours after the receipt of fuch notice, gauge and ftamp, or caufe to be gauged and ftamped, the faid ftill or ftills, in the fame manner as is hereinbefore directed in the cafe of a ftill or ftills being made in *Scotland*; and if the perfon or perfons who fhall fo import or bring any ftill or ftills into *Scotland*, fhall neglect or omit to give fuch notice thereof as aforefaid, he, fhe, or they fhall forfeit and lofe the fum of fifty pounds fterling for every ftill fo imported or brought; and in cafe any fuch ftill or ftills fhall be erected without being previously gauged and marked by the proper officer of excife, every fuch ftill or ftills fhall be forfeited and loft, and the owner and owners thereof fhall alfo forfeit and pay the fum of fifty pounds fterling, over and befides all other penalties and forfeitures to be incurred for the unlawful ufe of the fame.

Perfons importing ftills into Scotland without giving notice to the officer, forfeit fol.

Stills not to be erected till gauged, on forfeiture of the ftills, etc.

XXXIX. Provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to repeal, alter, or change any act or acts now in force for theurveying and keeping a regular account of the ftocks of rectifiers, and compounders, of fpirits and dealers, but that the faid rectifiers, compounders, and dealers, fhall remain fubjected to the furveys of the officers of excife, and to all other regulations made and provided by any law now in force, in the fame manner as if this act had not been made; faving and excepting, that rectifiers and compounders, as well as makers or diftillers, in that part of *Great Britain* called *Scotland*, may fend fpirits to any part or place in that part of the united kingdom or whatever ftrengh he, fhe, or they may think proper.

Rectifiers, &c. fubject as heretofore to fave, s, &c.

XL. And be it further enacted, That the feveral duties on licences, by this act granted, fhall be under the receipt, collection, and management of the commissioners and officers of his Majesty's revenue of excife in *Scotland* for the time being, and fhall be appropriated to fuch and the fame ules and purpofes as the duties by this act fufpended or difcontinued would have been fubject and liable to, if this act had not been made.

Duties to be under the management of the commissioners of revenue in Scotland, etc.

XLI. Provided always, That nothing in this act contained fhall difcharge or acquit any diftiller, or other perfon, from any penalty

This act not to difcharge penalties al-

ready incurred, etc. nor to repeal the laws respecting exportation to foreign parts, etc.

penalty or forfeiture already incurred under any former act or acts for granting any duties upon wort, wash, or other liquor, or from payment of any arrears of such duties accrued, due prior to the commencement of this act; nor shall any thing in this act contained extend, or be construed to extend, to repeal or alter any law or laws now in force with respect to the making of *British* spirits for exportation to foreign parts; or to repeal or alter any part of an act, made in the last session of parliament, intituled, *An act for repealing so much of an act, made in the last session of parliament, as relates to the distillation of corn spirits in small stills, in certain counties or districts in the highlands in that part of Great Britain called Scotland; and for authorising the commissioners of excise in Scotland to grant licences, to persons living in the said counties or districts, to distil spirits from barley, bear, or big, the growth of the said counties; and for imposing a duty on such licences; nor to prejudice the right and privilege granted to Archibald earl of Dundonald, his executors, administrators, or assigns, by an act passed in the twenty-fifth year of his present Majesty, intituled, An act for vesting in Archibald earl of Dundonald, his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders; from pit coal, throughout his Majesty's dominions, for a limited time.*

Earl of Dundonald to give the officer an account of his stills, etc.

XLII. Provided always, and be it further enacted, That notwithstanding any thing in the said last mentioned act contained, the said earl, his executors, administrators, or assigns, shall be, and he or they is and are hereby required to deliver to the officer or officers of excise of the division, district, place, or bounds, within which any of his or their said works or stills are or shall be erected, an account in writing, specifying the number of his or their said stills, with a description of the same, and the purposes for which such stills were respectively erected; referring to any of his Majesty's officers of excise, under the conditions and limitations herein-after specified, at all lawful hours, to visit such work or works, and such still or stills, and to examine by all proper means the liquor or matter coming from the said still or stills, but not to open the said still or stills, unless the said officer or officers shall not otherwise be allowed to examine the liquor or matter coming from the said still or stills.

Officer not to inspect his workhouses, etc. without order from the commissioners of excise; or information of their being illegally worked.

XLIII. Provided always, and be it further enacted, That it shall not be in the power of any officer of excise to visit or inspect the said workhouse or workhouses, or the said still or stills, or house or houses, or places thereto belonging, unless the said officer or officers shall have previously obtained an order from the commissioners of excise, or the major part of them; in that part of *Great Britain* called *Scotland*, or shall proceed upon a signed information in writing, and upon oath made, and reduced also into writing, before any one or more of the said commissioners of excise, or before any one or more of his Majesty's justices of the peace, certifying that the said work or stills in the said act described, in place of being *bona fide* used for

for the purpoſes therein mentioned, are or have been uſed in extracting low wines or ſpirits from wort, waſh, or other materials whatſoever; in which caſe ſuch written information, and oath and warrant proceeding thereupon, ſhall be lodged, if required, with the manager of the ſaid works ſo viſited, upon the ſaid manager's granting a receipt for the ſame; and if the ſaid ſtill or ſtills ſhall be at ſuch viſitation, or have been previously uſed after being erected in the ſaid works, for the purpoſe of diſtilling wath, worts, low wines, or ſpirits, contrary to the true intent and meaning of the ſaid act, ſuch ſtill or ſtills, and utenſils belonging thereto, ſhall be ſeized and forfeited as unlicenſed ſtills, and the owners and uſers thereof ſubjected to the pains and penalties in that behalf made and provided by this act.

If found to be illegally worked, to be forfeited, etc.

XLIV. And be it further enacted, That if any perſon or perſons ſhall obſtruct, reſiſt, oppoſe, moleſt, or hinder any officer or officers of exciſe in the due execution of any of the powers or authorities given or granted to ſuch officer or officers by this act, every perſon or perſons ſo offending ſhall forfeit and loſe, for every ſuch offence, the ſum of two hundred pounds ſterling.

Perſons obſtructing officers in their duty forfeit 200l.

XLV. And be it further enacted, That all and every the powers and authorities, directions, rules, methods, penalties, and forfeitures, clauſes, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenants in Capite, and by knights ſervice, and purveyance, and for ſettling a revenue upon his Maſteſty in lieu thereof*, or by any other law now in force relating to his Maſteſty's revenue of exciſe, or inland duties under the management of the commiſſioners of exciſe, are provided, ſettled, or eſtabliſhed, for ſecuring, enforcing, managing, raiſing, levying, collecting, paying, mitigating or recovering, adjudging or aſcertaining the duties or penalties thereby granted and inflicted, and for the preventing, detecting, and puniſhing frauds relating thereto (other than in ſuch caſes for which other penalties, proviſions, and regulations are preſcribed by this act), ſhall be exerciſed, practiſed, applied, uſed, and put in execution, in and for the managing, raiſing, levying, collecting, mitigating, adjudging, aſcertaining; recovering, and paying, the ſeveral duties hereby granted, as fully and effectually, to all intents and purpoſes, as if all and every the ſaid powers, authorities, rules, directions, methods, penalties, forfeitures, clauſes, matters, and things, were particularly repeated and again enacted in this preſent act.

Powers, etc. of act 12 Car. 2. c. 24, etc. extended to this act.

XLVI. And be it further enacted, That all the penalties and forfeitures impoſed by this act, ſhall be ſued for, recovered, and levied by ſuch ways, means, and methods, as any penalty or forfeiture is, or may be ſued for, recovered or levied by any law or laws of exciſe, or by action of debt, bill, plaint, or information, in his Maſteſty's courts of exchequer in England or Scotland reſpectively; and that one moiety of every ſuch penalty or forfeiture ſhall be to his Maſteſty, his heirs and ſucceſſors, and the

How penalties are to be recovered and applied.

the other moiety to him, her, or them, who ſhall inform, diſcover, or ſue for the ſame.

- Limitation of actions.** XLVII. And be it further enacted, That if any action or ſuit ſhall be brought or commenced againſt any perſon or perſons, for any thing by him, her, or them done in purſuance of this act, ſuch action or ſuit ſhall be commenced within ſix months next after the matter or thing done, and ſhall be laid in the proper county; and the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had there-upon; and if afterwards a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their action or proſecution, or if judgement ſhall be given againſt him, her, or them, upon demurrer, or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts awarded to him, her, or them, againſt ſuch plaintiff or plaintiffs.
- General iſſue**
- Treble coſts.**

C A P. LXV.

An act for granting to his Maſteſty a certain ſum of money, to be raiſed by a lottery.

688,750*l.* to be raiſed by a lottery. All perſons who have made depoſits, purſuant to the reſolution of the houſe of commons, of June 2, 1786, are required to pay the remainder of their ſubſcriptions at certain times ſpecified. Depoſit 1*l.* 8*s.*; 20 July 21.; 13 Aug. 1*l.* 8*s.*; 10 Oct. 21. 13*s.*; 21 Nov. 21.; 18 Dec. 21.; and 17 Jan. 1787, 21. 4*s.* 6*d.* Caſhier to give ſecurity, to the ſatisfaction of the commiſſioners of the treasury; and to pay all monies received into the exchequer. Commiſſioners of the treasury impowered to apply the money paid in by the caſhier to the ſervices voted this ſeſſion; 500,000*l.* the amount of the prizes, to be paid out of any ſupplies granted this ſeſſion. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket.

LOTTERY for 1786.

The bearer of this ticket will be intitled to ſuch beneficial chance as ſhall belong thereto, in the lottery to be drawn by virtue and under the directions of an act paſſed in the twenty-ſixth year of his preſent Maſteſty's reign.

Managers to examine the books with the tickets, and deliver them to the caſhiers of the bank, taking a receipt for the ſame. Caſhiers to return the books, with the undiſpoſed tickets, with an account of monies received and paid in. Undiſpoſed tickets to be delivered into the exchequer. Tickets of the middle column to be rolled up, and faſtened with thread or ſilk; and cut off indentiſe into a box marked with the letter (A), and put into another box to be locked up, and ſealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000*l.* each; 3 of 10,000*l.* each; 5 of 5000*l.* each; 10 of 2,000*l.* each; 15 of 1,000*l.* each; 30 of 500*l.* each; 100 of 100*l.* each; 150 of 50*l.* each; 16,275 of 20*l.* each: and alſo 1,000*l.* to the firſt-drawn ticket of the firſt day; 1,000*l.* to ditto the 4th day; 1,000*l.* to ditto the 7th day; 1,000*l.* to ditto the 10th day; 1,000*l.* to ditto the 13th day; 1,000*l.* to the firſt-drawn ticket the 16th day; 1,000*l.* to the laſt-drawn. Tickets in the outermoſt column of the laſt-mentioned books to be rolled up and tied, and

and cut off into a box marked with the letter (B), &c. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 12, 1787. Method to be observed in drawing, &c. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. felony, death. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50*l.* reward. Proviso, not to cause corruption of blood, loss of dower, or disinheriton of heirs. Managers to be sworn. The oath:

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-sixth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the said act.

Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 1*l.* 15*s.* and 6*d.* paid. Contributors not making good their payments within the times limited, forfeit their deposits, and the tickets to be returned to the managers, &c. Commissioners of the treasury may reward the managers, &c. as they shall think fit. The 500,000*l.* for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on June 1, 1787, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, &c. and signed by the managers. Commissioners of the treasury empowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution monies, or for any receipts, &c. on penalty of 20*l.* General issue. 2 reble colls.

C A P. LXVI.

An act for appointing commissioners further to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.—This act the same as last year.

25 Geo. 3. c. 19, continued in force till the end of the next session of parliament.

C A P. LXVII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

William Hoare, Esq; appointed a commissioner, and the act of 25 Geo. 3. c. 68, and the former acts continued till one year after July 22, 1786.

C A P. LXVIII.

An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

Preamble.

23 Geo. 3.
c. 80.

WHEREAS by an act, made in the twenty-third year of the reign of his present Majesty, (intituled, An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government), and also by an act made in the twenty-fifth year of the reign of his present Majesty, certain persons were constituted commissioners for enquiring into the respective losses and services of all such person and persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government: and whereas the purposes intended by the said acts are not yet compleated, and it is therefore necessary that the said acts should be further continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That *John Wilmot* esquire, colonel *Robert Kingston*, colonel *Thomas Dundas*, *John Marsh* esquire, *Jeremy Pemberton* esquire, and *Robert Mackenzie* esquire, shall be, and they are hereby constituted commissioners for the purposes in the said recited acts mentioned.

Commissioners.

Commissioners to be sworn.

II. And be it further enacted, That any two commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they or either of them are hereby authorized and required to administer) in the form following; that is to say,

The oath.

I A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, (intituled, An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government) according to the tenor and purpose of the said act.

And every other of the said commissioners, in this act named, shall likewise take the same oath before the said two commissioners,

fiours, who are hereby authorifed and required to adminifter the fame, after they fhall themfelves have taken the faid oath as aforefaid.

III. And be it further enacted, That it fhall and may be lawful to and for the faid commissioners, or any two or more of them, and they are hereby authorifed, impowered, and required, to examine upon oath (which oath they, or any two or more of them, are hereby authorifed to adminifter), all perfons whom the faid commissioners, or any two or more of them, fhall think fit to examine, touching all fuch matters and things as fhall be neceffary for the execution of the powers vefted in the faid commissioners by this act; and all fuch perfons are hereby directed and required punctually to attend the faid commissioners at fuch time or place as they, or any two or more of them, fhall appoint.

Commissioners may examine parties on oath.

IV. And be it enacted by the authority aforefaid, That the faid commissioners, or any two or more of them, are hereby authorifed to meet and fit, from time to time, at their prefent place of meeting, or at fuch other place as they, or any two or more of them, fhall think proper, with or without adjournment, and to fend their precept or precepts, under their hands and feals, for any perfon or perfons whatfoever, and for fuch books, papers, writings, or records, as they fhall judge neceffary for their information in the execution of the powers vefted in the faid commissioners by this act; and the faid commissioners, or any two or more of them, are hereby authorifed to appoint and employ fuch clerks, meffengers, and officers as they fhall think meet, and to give to every of the faid clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the trust reposed in him by the faid commissioners, and in all other things touching the premifes; which clerks and officers are hereby required faithfully to execute and perform the trust in them feverally and refpectively reposed, without taking any thing for fuch their fervice, other than fuch falary or rewards as the faid commissioners, or any two or more of them, fhall think fit to direct and appoint in that behalf.

Commissioners to meet, and to fend for perfons or papers,

to appoint clerks, &c.

V. And be it enacted by the authority aforefaid, That if it fhall have appeared to the commissioners appointed by the faid recited acts, or fhall hereafter appear to the commissioners appointed by this act, that any perfon hath delivered, or fhall hereafter deliver to them, an account or claim beyond the real lofs fufained by him or her, with an intent to obtain more than a juft compenfation; and if the faid commissioners, or any two or more of them, fhall have been or fhall hereafter be of opinion that fuch account or claim was or is fraudulent, then fuch perfon fo having claimed, or who fhall hereafter fo claim, fhall be abfolutely excluded from any compenfation or provifion whatfoever.

Perfons delivering in fraudulent claims to be excluded from any compenfation.

VI. And be it further enacted by the authority aforefaid, That in cafe any perfon or perfons, upon examination upon oath

Persons giving falfe evidence to be liable to

the penalties
of perjury.

oath before the ſaid commissioners, or any two or more of them reſpectively, as before mentioned, ſhall wilfully and corruptly give falſe evidence, every ſuch perſon ſo offending, and being thereof duly convicted, ſhall be and is and are hereby declared to be ſubject and liable to ſuch pains and penalties as by any law now in being perſons convicted of wilful and corrupt perjury are ſubject and liable to.

Commissioners in the colonies to continue to enquire into claims;

VII. *And whereas by the ſaid act, made in the twenty-fifth year of the reign of his preſent Maſteſty, it was enacted, that colonel Thomas Dundas and Jeremy Pemberton eſquire, ſhould and they were thereby directed and required to repair to Nova Scotia, or any other of his Maſteſty's colonies in America, to enquire into ſuch claims: and whereas the ſaid colonel Thomas Dundas and Jeremy Pemberton eſquire, did, in purſuance of the directions, and for the purpoſes mentioned in the ſaid act, repair to Nova Scotia, and it is therefore proper that the powers and authorities veſted in them by the ſaid act, ſhould be continued; be it therefore enacted, That the ſaid colonel Thomas Dundas, and Jeremy Pemberton eſquire, ſhall, and they are hereby directed and required in Nova Scotia, or any other of his Maſteſty's colonies in America, to continue to enquire into ſuch claims, with the ſame power and authorities for enquiring into ſuch claims as the commissioners appointed by the ſaid recited acts and this preſent act, for enquiring into the loſſes and ſervices of all ſuch perſons who have ſuffered in their rights, properties, and poſſeſſions, during the late unhappy diſturbances in America, in conſequence of their loyalty to his Maſteſty, and attachment to the Britiſh government, are inveſted with; and in caſe the ſaid commissioners ſhall differ in opinion with reſpect to any claim, then, in ſuch caſe, it ſhall be lawful for the ſaid commissioners to call to their aſſiſtance the governor of any colony to which they may judge it neceſſary to repair; and the ſaid governor agreeing in opinion with either of the ſaid commissioners, ſhall decide the matter or queſtion in diſpute; and in caſe of the death of either of them the ſaid Thomas Dundas or Jeremy Pemberton, that then the governor of the colony, where ſuch enquiry ſhall from time to time be carried on, ſhall be added to and joined with the ſurvivor of them the ſaid Thomas Dundas and Jeremy Pemberton, and ſhall be inveſted with the ſame powers and authorities as the perſon ſo dying is hereby inveſted with.*

and in caſe of difference of opinion, to require the aſſiſtance of the governor, who, in caſe of the death of a commissioner, is to ſupply his place.

Commissioners may appoint perſons to travel in America to enquire into facts.

VIII. *And be it enacted, That the ſaid commissioners, or any two of them, are hereby impowered, if they ſhall think proper, to appoint, under their hands and ſeals, a proper perſon or perſons to repair to any part of the United States of America, to enquire into ſuch facts and circumſtances as they may think material for the better aſcertaining of the ſeveral claims which have been preſented under the authority of the ſaid acts.*

IX. *And whereas an act was paſſed in the ſixteenth year of his preſent Maſteſty, (intituled, An act to prohibit all trade and intercourſe with the colonies of New Hampſhire, Maſſachuſet's Bay,*

By Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an act, made in the fourteenth year of the reign of his present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts's Bay; and also two acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said acts respectively mentioned; and to enable any person or persons, appointed and authorized by his Majesty to grant pardons, to issue proclamations, in the cases, and for the purposes therein mentioned); whereby it was enacted, That all trade and commerce should be prohibited with the colonies therein mentioned, and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which should be found trading in any port or place of the said colonies, or going to trade, or coming from trading in any such port or place, should become forfeited to his Majesty, as if the same were the ships and effects of open enemies, and should be so adjudged and taken in all courts of admiralty, and in all other courts whatsoever: and whereas vessels, effects, goods, or merchandize, belonging to inhabitants of the said colonies, who were loyal subjects to his Majesty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the said act; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners appointed by this act, to enquire into losses sustained in consequence of the said act, by any such inhabitants, who shall give sufficient proof, to the satisfaction of the said commissioners, of their loyalty to his Majesty, and attachment to the British government.

Commissioners to enquire into losses sustained in consequence of an act 16 Geo. 3. c. 5.

X. And be it further enacted, That the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of state for the time being.

Commissioners to give an account of their proceedings to the treasury and secretaries of state.

XI. And be it further enacted, That the lords commissioners of the treasury, or lord high treasurer for the time being, are hereby authorized and required to issue and cause to be paid all such sums of money, not exceeding two thousand pounds, to such person or persons as the said commissioners, or any two or more of them, shall, by writing under their hands, desire or direct, out of any part of the public monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about

Treasury to pay 2,000l. to the commissioners;

for paying clerks, &c.

the execution of the powers of this act, and in such manner and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

Commissioners may receive half on taking following

XII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby empowered to administer the same:

Oath.

I A. B. do swear, That I had not, between any place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and injuries of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of this act.

XIV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of July, one thousand seven hundred and eighty-six, and no longer.

C A P. LXIX.

An act for defraying the charge of the militia in that part of Great Britain called England for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-six.

C A P. LXX.

An act to rectify a miſtake in an act made in this preſent ſeſſion of parliament, intituled, "An act for granting to his Maſteſty a certain ſum of money out of the ſinking fund; and for applying certain monies therein mentioned for the ſervice of the year one thouſand ſeven hundred and eighty ſix; and for further appropriating the ſupplies granted in this ſeſſion of parliament."

The miſtake was one million five hundred pounds, inſtead of one million five hundred thouſand pounds, which the clerk of the parliaments was empowered to rectify.

C A P. LXXI.

An act for regulating houſes, and other places, kept for the purpoſe of ſlaughtering horſes.

WHEREAS the practice of ſtealing horſes, cows, and other Preamble.

cattle, hath of late years increaſed to an alarming degree; and hath been greatly facilitated by certain perſons of low condition, who keep houſes or places for the purpoſe of ſlaughtering horſes and other cattle; for remedy whereof, be it enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, From July 20, 1786, every perſon keep-
ing a ſlaugh-
tering houſe,
to take out a
licence, &c.
from and after the twentieth day of July, in the year of our Lord one thouſand ſeven hundred and eighty-ſix, no perſon or perſons ſhall keep or uſe any houſe or place, for the purpoſe of ſlaughtering or killing any horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, which ſhall not be killed for butcher's meat, without firſt taking out a licence for that purpoſe, at the general quarter ſeſſions held for the county, riding, city, town, diſtrict, diviſion, or liberty, wherein ſuch ſlaughtering houſe or place ſhall be ſituate; and the juſtices of the peace, at their general quarter ſeſſions aſſembled, are hereby authorized and impowered to grant ſuch licences as aforeſaid, upon a certificate, under the hands and ſeals of the miniſter and churchwardens, or overſeers, or of the miniſter and two or more ſubſtantial houſe-holders of the pariſh wherein the perſon or perſons applying for ſuch licence ſhall dwell, that ſuch perſon or perſons is or are fit and proper to be truſted with the management and carrying on ſuch buſineſs as aforeſaid: provided always, That, in caſe of the death of any perſon to whom ſuch licence as aforeſaid ſhall be granted, it ſhall and may be lawful for the widow, or perſonal representative of ſuch perſon ſo dying, to carry on the ſaid buſineſs until the then next enſuing general quarter ſeſſions of the peace.

II. And be it further enacted, That every ſuch licence ſhall be ſigned by the juſtices of the peace aſſembled at ſuch general quarter ſeſſions, or by the major part of them; and a copy of every ſuch licence ſhall be entered in a book to be kept for that purpoſe by the clerk of the peace of the county wherein the ſame

Juſtices to
grant licen-
ces, which
are to be
entered, &c.

ſame ſhall be ſo granted as aforeſaid; and that all and every perſon and perſons ſhall have liberty, at all times (*Sundays excepted*), between the hours of ten and twelve of the clock in the forenoon, to ſearch the office of ſuch clerk of the peace wherein any ſuch copy ſhall be entered or kept, and to make an extract or extracts from the ſame, paying for every ſuch ſearch the ſum of ſixpence; and all and every perſon and perſons ſo licensed as aforeſaid ſhall cauſe to be painted or affixed, over the door or gate of the houſe or place where he, ſhe, or they ſhall carry on the ſaid buſineſs, in large legible characters, his, her, and their name and names, with the words *Licensed for ſlaughtering horſes, purſuant to an act paſſed in the twenty-ſixth year of his majeſty King George the Third.*

Persons li-
censed to affix
to their houses
the words
herein men-
tioned.

Previous no-
tice to be
sent, when
horſes, etc.
are intended
to be ſlaugh-
tered, to the
inſpector
who is to take
an account of
the beaſts.

III. And be it further enacted, That every occupier and occupiers of every ſuch licensed ſlaughtering houſe or place ſhall, ſix hours previous to the ſlaughtering or killing of any horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, which ſhall not be killed for the purpoſe of butcher's meat, and previous to the ſlaying any ſuch horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, brought dead to ſuch ſlaughtering houſe or other place; give notice in writing to a perſon to be appointed in manner herein-after mentioned, as inſpector, to the intent that ſuch inſpector may, upon ſuch notice as aforeſaid, and before any ſuch horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, ſhall be ſlaughtered, killed, or ſlayed, take an exact account and deſcription of the height, age, (as near as may be) colour, and particular marks of every horſe, mare, gelding, foal or filly, aſs or mule, brought alive for the purpoſe of being ſlaughtered or killed, or brought dead as aforeſaid, and of the colour and particular marks of every cow, bull, heifer, ox, calf, ſheep, hog, goat, or other cattle, brought alive or dead for either of the purpoſes aforeſaid; and no ſuch horſe, mare, gelding, foal, or filly, aſs, mule, ox, bull, cow, or heifer, calf, ſheep, hog, goat, or other cattle, ſhall be ſlaughtered, killed, or ſlayed, but between the hours of eight of the clock in the morning and four of the clock in the evening, during the months of *October, November, December, January, February, and March*; and between the hours of ſix of the clock in the morning and eight of the clock in the evening, during the months of *April, May, June, July, Auguſt, and September*, in every year.

Times of
ſlaughtering
etc.

Account to
be kept, by
the owners of
ſlaughtering
houſes, of the
owners of
the cattle
brought, etc.

IV. And be it further enacted, That every perſon ſo licensed as aforeſaid ſhall, at the time any horſe, mare, or gelding, colt, filly, aſs, or mule, or any ox, bull, cow, heifer, calf, ſheep, hog, goat, or any other cattle, ſhall be brought for the purpoſe of ſlaughtering, killing, or ſlaying, make, or cauſe to be made, an entry in a book, to be kept for that purpoſe, in a fair legible hand, of the name and names, place and places of abode, profeſſion and profeſſions of the owner or owners thereof, and alſo of the perſon and perſons who ſhall bring the ſame to be ſlaughtered;

slaughtered, killed, or flayed, and the reason or reasons why the same is brought to be slaughtered, killed, or flayed, which reason and reasons, the person or persons bringing the same is and are hereby required to declare to such person or persons so licensed as aforesaid; which book shall at all times be open for the perusal and examination of the inspector and inspectors to be appointed under this act; and all and every such licensed person and persons shall at all times attend with, and produce such book before any one justice of the peace for the county, city, liberty, or place where such licensed slaughtering house or place shall be situate, when required by warrant or order under the hand and seal of such justice of the peace so to do, and shall likewise produce the same at every general quarter sessions of the peace which shall be held in and for the said county.

V. And be it further enacted, That such of the parishioners, as by law are intitled to meet in vestry for the purpose of choosing parish officers, shall, in every parish wherein any such slaughtering house or place shall be situated, annually, or oftener, as occasion may require, appoint one or more proper person or persons to be an inspector or inspectors to inspect every such slaughtering house and place as aforesaid, to whom all and every occupier and occupiers, person and persons, carrying on such business as aforesaid, shall, six hours previous to his, her, or their slaughtering, killing, or slaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, give notice in writing of his, her, or their intention so to do; and such inspector or inspectors shall in person, or by his or their servant or servants, attend at the slaughtering house or place of the person or persons so giving such notice, and there take such account and description as herein-before directed; and every such inspector shall and is hereby required to keep a book or books, and therein to make an entry of every such account and description; and every such occupier or person carrying on such business as aforesaid shall, for every such entry, pay to such inspector sixpence; and all and every person and persons desiring to inspect such book or books shall have access to the same at all times, between the hours of eight of the clock in the morning and five in the evening, during the months of *October, November, December, January, February, and March*, and between the hours of six of the clock in the morning and eight in the evening, during the months of *April, May, June, July, August, and September*, in every year, paying to such inspector, for every such search, the sum of sixpence, and no more; and every such inspector, so appointed as aforesaid, shall cause to be painted or affixed over the door of the house where he resides, his name, and the words, *Inspector of houses and places for slaughtering horses*; and in case such inspector or inspectors shall, upon examination of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle,

Vestry to appoint inspectors.

Inspectors duty.

intended to be slaughtered or killed, have reason to believe, or be of opinion, that such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, is or are free from disease, and in a sound and serviceable state, or that the same has been stolen, or unlawfully come by, he or they shall have power, and is and are hereby authorized and required to prohibit the slaughtering or killing of any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, for any time not exceeding the space of eight days; and in the mean time shall and is and are hereby directed and required to cause an advertisement or advertisements to be inserted in the *Daily Advertiser*, or some publick newspaper circulated in the county where such slaughter house or place shall be situated, twice or oftener, unless the owner or owners of such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, shall sooner claim the same, to certify under his, her, or their hand or hands to, or otherwise satisfactorily inform the said inspector or inspectors, that he, she, or they sent or delivered, or caused the said horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other such cattle, to be delivered to the said person or persons so licensed for the purpose of being slaughtered or killed, the expence of inserting such advertisement or advertisements, as aforesaid, to be paid by the occupier or occupiers of such slaughtering house or place to such inspector or inspectors; and in case such occupier or occupiers of such slaughtering house or place shall refuse to defray or pay the same, and shall be thereof convicted on the oath of any such inspector as aforesaid before any one justice of the peace for the county or district wherein such slaughtering house or place shall be situated, he, she, or they, shall forfeit double the amount of the charge of such advertisement or advertisements, to be raised by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of any such justice as aforesaid; and the form of such conviction shall be as follows:

Form of conviction for refusing to pay for advertisements of the inspectors.

A. *B. is convicted, on the oath of C. D. inspector of houses and places for slaughtering horses, for the parish of E. in the county of D. of refusing to pay the sum of being the expence of an advertisement or advertisements (as the case may be) inserted in the Daily Advertiser, or some other publick newspaper circulated in the county, (as the case may be), pursuant to the directions of the statute in that case made and provided.*

Given under my hand and seal this day of

F. G.

Inspectors may visit slaughtering houses at all times.

VI. And be it further enacted, That it shall and may be lawful to and for every inspector so appointed as aforesaid, at all times, in the day or night, but if in the night, then in the presence

presence of a constable, to go to, enter into, and inspect, any house or place kept for slaughtering or killing horses by any person or persons licensed as aforesaid; and also any stable, building, shed, yard, or place belonging thereto, and then and there to examine, search for, and see if any horse, mare, gelding, foal, filly, ass, or mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are deposited or have been brought there, and to take an account thereof; and all and every person and persons, so licensed as aforesaid, having, keeping, or using any such house or place for slaughtering horses, shall, and is and are hereby directed and required to permit and suffer any such inspector as aforesaid, at all times in the day and night, but if in the night, then in the presence of a constable, to enter into and inspect such house or place, and also any stable, building, shed, yard, or premises belonging thereto, and freely to examine, search for, and see, any horse, mare, gelding, foal, filly, ass, or mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, then and there being, and to take such account as herein-before directed.

VII. And be it further enacted, That in case any person or persons who shall offer to sale, or shall bring any horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, to any person or persons keeping such slaughtering house, or place as aforesaid, to be slaughtered or killed, or being dead, to be flayed or skinned, shall not be able, or shall refuse to give a satisfactory account of himself, herself, or themselves, or of the means by which the same came into his, her, or their possession; or if there shall be any reason to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen, or otherwise unlawfully obtained, it shall and may be lawful for the person or persons keeping such slaughtering house, or place as aforesaid, to whom the same shall be brought or offered to sale, and for his, her, or their servants, agents, or assistants, and also for the said inspector or inspectors, or his or their servant or servants as aforesaid, to seize and detain such person or persons; and also every such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, so brought or offered to sale as aforesaid, and to deliver such person or persons, as soon as conveniently may be, into the custody of a constable or other peace officer, who shall, and is hereby required immediately to convey such person or persons before a justice of the peace for the county, riding, division, city, liberty, or place, where the offence shall be committed; and if such justice shall, upon examination and enquiry, have cause to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen or unlawfully obtained, it shall and may be lawful for such justice to commit such person or persons into safe custody, for any time not exceeding the space of six days, in order to be further examined;

Persons bringing cattle refusing to give an account of themselves, etc. may be carried before a justice.

Justices may commit suspected persons.

and if upon either of the said examinations, such justice ~~is not~~ satisfied, or have reason to believe, that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, &c. hog, goat, or other cattle, is or are stolen, or illegally obtained the said justice is hereby authorized and required to commit the person or persons, so bringing or offering the same to sale, to the common gaol or house of correction of the county, riding, division, city, liberty, or place, wherein the offence shall be committed, there to be dealt with according to law.

Persons slaughtering horses, etc. without licence, etc. guilty of felony.

VIII. And be it further enacted, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of July, one thousand seven hundred and eighty-six, slaughter any horse, mare, or gelding, foal or filly, ass or mule, or any bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, for any other purpose than for butcher's meat, or shall slay any horse, mare, gelding, foal, filly, ass, mule, bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, brought dead to such slaughtering house or other place, without taking out such licence, or without giving such notice as aforesaid, or shall slaughter, kill, or slay the same, at any time or times other than and except within the hours herein-before limited, or shall not delay slaughtering or killing the same, according to the direction of such inspector so authorized to prohibit the same as aforesaid, such person or persons so offending in either of the said cases, being thereof convicted, shall be adjudged, deemed, and taken to be guilty of felony, and shall be punished by fine and imprisonment, and such corporal punishment, by public or private whipping, or shall be transported beyond the seas for any time not exceeding seven years, as the court, before whom such offender or offenders shall be tried and convicted, shall direct.

Persons destroying hides, etc. to be deemed guilty of misdemeanors.

IX. And whereas divers ill-disposed persons, keeping such slaughtering houses and places as aforesaid, have, in order to prevent enquiry and detection, made a practice of throwing the hides of horses and other cattle into lime pits, or otherwise immersing in or rubbing the same with lime, or some other corrosive matter; be it therefore enacted by the authority aforesaid, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of July, one thousand seven hundred and eighty-six, throw into any lime pit or lime pits, or otherwise immerse in lime, or any preparation thereof, or rub therewith, or with any other corrosive matter, or destroy or bury the hide or hides, skin or skins, of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, by him, her, or them slaughtered, killed, or slayed, or shall be guilty of any offence against this act, for which no punishment or penalty is expressly provided or declared, such person or persons, being convicted thereof, shall be adjudged, deemed, and taken to be guilty of a misdemeanor, and shall be punished by fine and imprisonment, and such corporal punishment, by public

public or private whipping, as the court before whom ſuch offender or offenders ſhall be tried and convicted, ſhall direct.

And be it further enacted, That if any perſon or perſons, licenſed as aforeſaid, ſhall make, or cauſe to be made, any falſe entry in any ſuch book, by him, her, or them to be kept as aforeſaid, of any matter or matters, thing or things, ſo required by him, her, or them to be made in ſuch book as aforeſaid, he, ſhe, or they, being convicted thereof, upon the oath of two credible witneſſes, before any one juſtice of the peace for the county, riding, franchise, or diſtrict wherein ſuch ſlaughtering houſe or place ſhall be ſituated (which ſaid oath the ſaid juſtice is hereby authorized and required to adminiſter) ſhall, for every ſuch offence, forfeit any ſum not exceeding twenty pounds, nor leſs than ten pounds, to be levied by diſtreſs and ſale of the goods and chattels of ſuch offender or offenders, by warrant under the hand and ſeal of ſuch juſtice (the ſurplus ariſing from ſuch diſtreſs and ſale, after the deduction of the charges thereof, to be reſtored), one moiety thereof to be paid to the informer, and the other moiety thereof to be forthwith paid or tranſmitted, by the ſaid juſtice, to the overſeers of the poor, or one of them, for the uſe of the poor of the pariſh wherein ſuch offender or offenders ſhall reſide; and in caſe ſuch offender or offenders ſhall not have effects to the amount of the ſaid penalty, it ſhall be lawful for ſuch juſtice, after ſale and application as aforeſaid of ſuch effects as ſhall be found, to commit him, her, or them to the houſe of correction, there to be confined to hard labour for any time not exceeding three months, not leſs than one month.

Perſons making falſe entries liable to penalty, &c.

XI. And be it further enacted, That a conviction for any ſuch offence, in the tenor or to the effect following, ſhall be good, to all intents and purpoſes :

BE it remembered, That on this *day of*
in the year *A. B. licenſed for*
ſlaughtering horſes, is convicted, upon the oaths of *C. D. and E. F.*
two credible witneſſes, before me *G. H. one of his Maſteſty's juſtices*
of the peace for the county of *of having wiſfully*
made, or cauſed to be made, [as the caſe may be], a falſe entry in
the book required by the ſtatute, in that caſe made and provided, to be
kept by the ſaid A. B. whereby he, [ſhe, or they] has [or have] forfeited the ſum of

Form of conviction when penalties are not paid.

Given under my hand and ſeal, the day and year above written.

XII. And be it further enacted, That the book and books of all and every the inſpector and inſpectors of every pariſh wherein any ſuch ſlaughtering houſe or place ſhall ſtand or be ſituated, ſhall be produced at every general quarter ſeſſions of the peace, to be holden in and for the county wherein any ſuch licence ſhall be granted, and delivered to the juſtices of the peace at ſuch general

Inspectors books to be produced at the quarter ſeſſions.

general quarter ſeſſions aſſembled, then and there to be examined by them as they ſhall think fit.

Penalty on
perſons lend-
ing houſes for
the purpoſe of
ſlaughtering.

XIII. And be it further enacted, That if any perſon ſhall occaſionally lend any houſe, barn, ſtable, or other place, for the purpoſe of ſlaughtering or killing any horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, which ſhall not be killed for butchers meat, without taking out ſuch licence as aforeſaid, and ſhall be thereof convicted before any juſtice of the peace for the county, riding, city, town, diſtrict, diviſion, or liberty, wherein ſuch perſon or perſons ſhall reſide, upon the oath of two credible witneſſes, he, ſhe, or they ſhall forfeit, upon conviction, for every ſuch offence, any ſum not exceeding twenty pounds, nor leſs than ten pounds; one moiety thereof to be paid to the informer, and the other moiety to the poor of the pariſh where the offence ſhall be committed; and which ſaid laſt mentioned moiety ſhall, upon payment thereof, be immediately tranſmitted by the juſtice ſo convicting to the overſeers of the poor of the ſaid pariſh, or one of them; and in caſe ſuch penalty ſhall not be forthwith paid, ſuch juſtice ſhall commit the offender to the common gaol or houſe of correction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor leſs than one calendar month, unleſs the ſaid penalty ſhall be ſooner paid; and the form of ſuch conviction ſhall be as follows, or to the like effect:

Form of con-
viction when
the ſaid
penalty is not
paid.

BE it remembered, That on this *day of*
A. B. was convicted, upon the oaths of two cre-
dible witneſſes, before me C. D. one of his Maieſty's juſtices of the
peace for the county of *, for occaſionally lending a*
houſe [or place, as the caſe may be], for the purpoſe of ſlaughtering
horſes, [or, as the caſe may be, of ſlaughtering cattle for other pur-
poſes than for butchers meat], without a licence for that purpoſe firſt
obtained, according to the ſtatute in that caſe made and provided.

Given under my hand and ſeal, the day and year above written.

Perſons de-
ſtroying
hides, etc.
be deemed
guilty of mi-
ſemeanors.

XIV. Provided always, That this act ſhall not extend to any currier, felt-maker, tanner, or dealer in hides, who ſhall kill any diſtempered or aged horſe, mare, gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, or purchaſe any dead horſe, mare, gelding, colt, filly, aſs, mule, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, for the *bona fide* purpoſe of ſelling, uſing, or curing the hide or hides thereof, in the courſe of their reſpective trades; nor to any farrier employed to kill aged and diſtempered cattle, nor to any perſon or perſons who ſhall kill any horſe, mare gelding, colt, filly, aſs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, of their own or other cattle, or purchaſing any dead horſe, or other cattle, to feed their own hounds or dogs, or giving away the fleſh thereof for the like purpoſe.

XV. And

XV. And be it further enacted, That if any collar-maker, Carrier, fift-maker, tanner, or dealer in hides, or farrier, or other person, shall, under colour of their refpective trades or occupations, knowingly or willingly kill any found or ufeul horfe, gelding, mare, foal, or filly, or boil or otherwife cure the flefh hereof for the purpofe of felling the fame, fuch collar-maker, and other tradesman or perfon, fhall be deemed and taken to be an offender within the meaning of this act, and fhall, for every fuch offence, forfeit any fum not exceeding twenty pounds, nor lefs than ten pounds.

Collar-makers, &c. killing found horfes, &c. liable to penalty.

XVI. And be it further enacted, That it fhall and may be lawful for any juftice of the peace before whom complaint fhall be made for any offence againft this act, to fummone fuch perfon or perfons, other than the party or parties complained againft, as he fhall think proper, to appear before him at a day certain, then and there to give evidence touching any offence committed againft this act; and in cafe fuch perfon or perfons fhall wilfully refufe or neglect to attend, or give evidence touching fuch offence, he, fhe, or they fhall forfeit the fum of ten pounds; and in default of payment thereof, or in cafe of inability to pay the fame, fhall ftand committed to the common gaol or houfe of correction, for any time not exceeding three calendar months, nor lefs than one calendar month, unlefs the faid penalty fhall be fooner paid.

Witnesses refufing to attend the juftices, to forfeit 10l.

XVII. And be it further enacted, That any inhabitant of the parifh where any offence againft this act fhall be committed, fhall, upon any complaint or hearing before any juftice or juftices of the peace, or upon any trial or examination by virtue of this act, be, and be deemed to be, a competent witness, notwithstanding his or her contributing to any of the rates or dues to fuch parifh; or being a poor perfon relieved or relievable by the faid parifh, and entitled as fuch to receive any benefit or intereft from any penalty or penalties to be paid or levied in purfuance of the direftions of this act; any law or ufage to the contrary notwithstanding.

Parifhioners to be deemed competent witnesses.

XVIII. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall, at any time or times, be fued, molefted, or profecuted for any thing by him, her, or them done or executed in purfuance of this act, or of any claufe, matter, or thing herein contained, fuch perfon or perfons may plead the general iffue, and give the fpecial matter in evidence for his, her, or their defence; and if upon the trial, a verdict fhall pafs for the defendants or defendants, or the plaintiff or plaintiffs fhall become nonfuit, then fuch defendant or defendants fhall have treble cofts awarded to him, her, or them, againft fuch plaintiff or plaintiffs.

General iffue.

Treble cofts.

C A P. LXXII.

An act for explaining and amending an act, made in the twenty-fourth year of the reign of his preſent Maſteſty, intituled, An act for laying an additional duty on hackney coaches, and for explaining and amending ſeveral acts of parliament relating to hackney coaches.

Preamble.
The fares
eſtabliſhed by
14 Geo. 3.
c. 27, re-
pealed.

WHEREAS by an act of parliament, made in the twenty-fourth year of his preſent Maſteſty's reign, (intituled, An act for laying an additional duty on hackney coaches, and for explaining and amending ſeveral acts of parliament relating to hackney coaches); the ſeveral rates and fares to be taken by hackney coachmen, and perſons legally acting under them, for the hire of any ſuch hackney coach, from and after the fourth day of September, one thouſand ſeven hundred and eighty-four, are therein enumerated and ſet down: and whereas ſuch rates and fares have been found inſufficient to enable the hackney coachmen to pay the duties impoſed, and alſo unſatisfactory to the publick: be it therefore enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-fix, ſo much of the ſaid recited act as enumerates the rates and fares to be taken by licenſed hackney coachmen, or perſons legally acting under them, ſhall be, and the ſame are hereby repealed; and that from and after the ſaid firſt day of *Auguſt*, every perſon who is or ſhall be licenſed by the commiſſioners for licenſing and regulating hackney coaches and chairs, or the major part of them, to drive, keep, and let to hire, by the hour or day, or otherwiſe, any hackney coach, with horſes and geldings or mares, within the cities of *London* and *Weſtmiſter*, or the ſuburbs of the ſame, or within the pariſhes or places comprized within the weekly bills of mortality, or any other place or places whereto, by any of the laws now in being, ſuch hackney coachmen are compellable to go, or any perſon legally acting under ſuch licenſed perſon, ſhall be intitled to, and may demand, receive, and take, for the hire of any ſuch hackney coach, the rates and fares herein-after mentioned; (that is to ſay);

From Aug. 1,
1786, the fol-
lowing fares
to be taken,
viz.

For 1 mile
and 1-4th, 1s.
For 3-4ths of
a mile fur-
ther, 6d.
For half a
mile beyond
the former
3-4ths, 6d.; &
For every
half mile
further, 6d.

For every diſtance within, and not exceeding one mile and two furlongs, the ſum of twelve-pence:

And for every further diſtance within, and not exceeding fix furlongs (computed as beyond the ſaid firſt mentioned diſtance of one mile and two furlongs), the ſum of ſixpence:

And for every further diſtance within, and not exceeding four furlongs (beyond the ſaid ſecond diſtance), the ſum of ſixpence:

And to in like manner the ſum of ſixpence for every further diſtance within, and not exceeding four furlongs, to be computed through

through the whole distance which fuch coach shall be driven or go :

And as respecting fuch coaches as shall be confidered to be not in waiting, the following rates and fares shall and may be demanded, received, and taken; (that is to fay),

For 3-4ths of an hour, 1s.; between 3-4ths and an hour, 1s. 6d.

For any time not exceeding three quarters of an hour, one shilling; and for any time exceeding three quarters of an hour, and not exceeding one hour, one shilling and fixpence:

Between an hour, and an hour and 20 minutes, 2s.; and for every 20 minutes afterwards, 6d. :

For any time exceeding one hour, and not exceeding one hour and twenty minutes, two shillings; and for every period of time, not exceeding twenty minutes, to be computed from the expiration of the said first hour and twenty minutes, the sum of fixpence, to be computed through the whole time during which fuch coach shall be engaged or employed:

And for a days work or hire, reckoning twelve hours to the day, the sum of fourteen shillings and fixpence; and for any time, to be computed from the conclusion of the said twelve hours, fuch coach shall be confidered as a coach in waiting, the fame shall be paid for in the manner, and according to the rate aforefaid

For a day of 12 hours, 14s. 6d.

II. And it is hereby further enacted by the authority aforefaid, That if any fuch hackney coachman, his renter or driver, shall exact or take more for his or their hire than the feveral rates hereby limited, he or they shall, for every fuch offence, be fubject and liable to fuch and the like penalties, forfeitures, and punishments, to be levied, recovered, fuffered, and inflicted, by fuch perfons, and in fuch and the like manner and form, as by any law or laws now are in being, respecting fuch hackney coachmen, their renters or drivers; and that the feveral rates and fares herein-before mentioned shall and may be recovered, in fuch and the like manner as the fares of hackney coachmen are by any act or acts of parliament now recoverable.

Penalties for exacting more than thefe fares to be recovered as heretofore.

III. And be it further enacted by the authority aforefaid, That if any hackney coachman, his, her, or their renter or renters, shall, from and after the said first day of *August*, be in arrear of payment of any rent or rents, referved or made payable by any licence or licences, granted or to be hereafter granted by the said commiffioners, or the major part of them, for any longer time than is or shall be expreffed in fuch licence or licences, it shall and may be lawful to and for the said commiffioners, or the major part of them, to revoke fuch licence or licences, and to levy the rents and fums of money referved, and thereby made payable, either upon the goods and chattels of fuch owner or owners, or renter or renters, in fuch and the like manner and form as they may, by any law now in being, do with refpect to fuch owner or owners.

Licences may be revoked when arrears are not paid.

IV. And be it further enacted, That if any perfon or perfons shall, at any time or times, be fued, molested, or profecuted, for any thing by him or them done or executed in purfuanee of this act,

General iflue. act, or of any claufe, matter, or thing herein contained, each perfon and perfons fhall and may plead the general iflue, and give the fpecial matter in evidence for his and their defence; and if upon the trial a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall become nonfuit, Treble cofts. fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

C A P. LXXIII. ✓

An act to difcontinue, for a limited time, the payment of the duties upon low wines and fpirits for home confumption, and for granting and fecuring the due payment of other duties in lieu thereof; and for the better regulation of the making and vending Britifh fpirits; and for difcontinuing, for a limited time, certain impofts and duties upon rum and fpirits imported from the Weft Indies.

Preamble.

Act 24 Geo.
3. c. 46,
recited.

WHEREAS, by feveral acts of parliament, in force at the time of the paffing of a certain act of parliament, made in the twenty-fourth year of his prefent Majefty's reign, (intituled, An act to difcontinue, for a limited time, the payment of the duties upon low wines and fpirits for home confumption, and for granting and fecuring the due payment of other duties in lieu thereof; and for the better regulation of the making and vending Britifh fpirits, as well for home confumption as for exportation; and for deftroying all home made and foreign fpirits, after the condemnation thereof; and for vefting in his Majefty the duties of excife within the lands of Fife and Perth, in the county of Invernefs; and for difcontinuing, for a limited time, certain impofts and duties upon rum and fpirits imported from the Weft Indies), fundry rates and duties were granted upon low wines and fpirits made in Great Britain, for home confumption: and whereas the faid rates and duties were by the faid act, made in the twenty-fourth year of the reign of his faid Majefty, difcontinued for a limited time, and other duties were by that act granted in lieu thereof for the fame time: and whereas it is expedient to difcontinue, for a further limited time, the rates and duties granted by the faid acts of parliament in force at the time of the paffing of the faid act of parliament, made in the twenty-fourth year of his faid Majefty's reign, upon low wines and fpirits, made in that part of Great Britain called England, for home confumption, and to repeal fo much of the faid act as is herein after repealed, and in lieu of the faid rates and duties granted by the faid acts of parliament in force at the time of the paffing of the faid act, made in the twenty-fourth year of his faid Majefty's reign, and of the faid rates and duties fo granted in lieu thereof, to grant unto your Majefty, for the fame limited time, the feveral rates and duties, herein-after mentioned, and hereby impofed, and alfo to provide and enaft the feveral powers, authorities, rules, regulations, and provifions herein-after mentioned, for the better raifing, luying, collecing, and fecuring the faid rates and duties hereby impofed; be it therefore enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this
prefent

preſent parliament aſſembled, and by the authority of the ſame, That, for and during the ſpace of two years, to be computed from the fifth day of July, one thouſand ſeven hundred and eighty-fix, the ſaid rates and duties, by the ſaid acts of parliament in force at the time of the paſſing of the ſaid act, made in the twenty-fourth year of his ſaid Maſteſty's reign, ſo granted upon low wines and ſpirits made in that part of *Great Britain* called *England* for home conſumption, ſhall be diſcontinued, ſave only and except in all caſes relating to the recovering any arrears thereof, which may at that time remain unpaid, or to any penalties or forfeitures, penalties or forfeitures, relating thereto reſpectively; and that in lieu and ſtead of the ſaid rates and duties ſo diſcontinued, and of the ſaid rates and duties hereby repealed, there ſhall be raiſed, levied, collected, and paid unto his Maſteſty, his heirs and ſucceſſors, the ſeveral rates and duties of exciſe following; (that is to ſay),

For 2 years from July 5, 1786 the preſent duties to ceaſe, and the duties following to be paid, viz.

For every gallon of fermented wort or waſh, brewed or made for extracting ſpirits for home conſumption from any malt, corn, grain, or tilts, or any mixture with the ſame, to be paid by the makers or diſtillers thereof, the ſum of ſixpence:

For every gallon of wort from grain, 6d.

For every gallon of cyder or perry, or any other waſh or liquor made or brewed from any ſort or kind of *British* materials (except ſuch as are before mentioned), or from any mixture therewith, for extracting ſpirits for home conſumption, to be paid by the makers or diſtillers thereof, the ſum of five-pence:

For every gallon of cyder, &c. or of waſh, from other *British* materials than grain, 5d.

For every gallon of fermented wort or waſh, made or brewed from melasses or ſugar, or any mixture therewith, for extracting ſpirits for home conſumption, to be paid by the makers or diſtillers thereof, the ſum of eight-pence three farthings:

For every gallon of wort from melasses or ſugar, 8d. 3q. For every gallon from foreign wine, &c. 1s.

And for every gallon of waſh compoſed of foreign reſuſed wine or foreign cyder, or waſh prepared from foreign materials (except melasses and ſugar), or any mixture therewith, for extracting ſpirits for home conſumption, to be paid by the makers or diſtillers thereof, the ſum of one ſhilling.

II. And be it further enacted by the authority aforeſaid, That the ſaid duties by this act impoſed ſhall be under the receipt and management of the commiſſioners of exciſe in *England* for the time being.

Duties to be under the management of the exciſe.

III. And be it further enacted by the authority aforeſaid, That all and every diſtiller and diſtillers, and maker and makers of low wines or ſpirits, ſhall, four days at the leaſt before he, ſhe, or they ſhall begin to brew any corn or grain, or to mix any other materials for the making of waſh to be diſtilled into low wines, make a true and particular entry in writing at the next office of exciſe, within the limits whereof his, her, or their workhouſe, ſtill-houſe, ſtorehouſe, warehouſe, or other place for the brewing, mixing, diſtilling, making, or keeping wort, waſh, low wines or ſpirits, is or ſhall be ſituate, of all coppers, tuns, backs, coolers, ſtills, caſks, and veſſels, which he, ſhe, or they, ſhall

Entry to be made of ſtill-houſes, &c. previous to working, and not to be uſed otherwiſe than ſpecified in the entry.

shall make use of for the brewing, mixing, fermenting, distilling, holding, laying, or keeping any wort, wash, or low wines, or any spirits or feints; and in such entry shall insert the day when he, she, or they shall intend to begin first to brew any corn or grain, or to mix any other materials for the making of wort, wash, tilts, or other liquor to be distilled into low wines, and in such entry shall specify the particular use and purpose to and for which each such copper, tun, back, cooler, still, cask, and vessel, is intended to be used, applied and appropriated; and no such copper, tun, back, cooler, still, cask, or vessel, shall be used, applied, or appropriated, to any other use or purpose than that to which the same is in such entry specified to be intended to be used, applied, and appropriated, and which entry and entries shall be made out according to the schedule hereunto annexed, as the case may require; and if any such distiller or distillers, maker or makers of low wines or spirits, shall neglect to make such entry, specifying as aforesaid, or shall use, apply, or appropriate any such copper, tun, back, cooler, still, cask, or vessel, in the way of his, her, or their trade or business of a distiller or distillers, or maker or makers of low wines or spirits, to or for any other use or purpose than that to or for which such copper, tun, back, cooler, still, cask, or vessel, is in such entry specified to be intended to be used, applied, or appropriated, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds, together with all wort, wash, low wines, spirits, feints, and other liquors respectively, which shall be found in any such copper, tun, back, cooler, still, cask, or vessel, at the time when such offence shall be committed; and such wort, wash, low wines, spirits, feints, and other liquor respectively, shall and may be seized by any officer or officers of excise.

Penalty on persons neglecting to make entry, &c.

Entries not to be withdrawn while duties are depending, etc.

Persons hindering officers from entering still-houses, forfeit 200l.

If officers are obstructed, they may break open

IV. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of spirits for home consumption, shall be allowed to withdraw or discontinue his, her, or their entry of any still-house or storehouse whilst any duty therein shall be depending, or any utensils for brewing, fermenting, or distilling, shall be standing; and that it shall and may be lawful for any officer or officers of excise, by night as well as by day, (but if in the night, then on producing his or their commission or commissions as such officer or officers), to enter, by the usual or most accustomed doors or passages, into all entered still-houses, and all other places where utensils for brewing, fermenting, or distilling are standing, belonging to any distiller or distillers, or maker or makers of low wines or spirits; and if any person or persons shall wilfully obstruct any such officer or officers of excise from having free ingress and egress into and from any such entered still-house, or place, every such person shall, for every such offence, forfeit and lose the sum of two hundred pounds; and after any obstruction, it shall and may be lawful to and for such officer or officers of excise, together with proper assistants, to break open by force any doors leading or belonging

belonging to such entered still-house or place, or any of the windows thereof, or to break through any of the walls, so far as shall be necessary for obtaining entrance thereinto: provided always, still-houses, etc.

That nothing herein contained shall extend, or be construed to extend, to prevent the changing of any entry from the name of one owner or proprietor of the entered premises, to the name of any subsequent owner or proprietor thereof; or to prevent any Cases where entries may be changed.

distiller or distillers, or maker or makers of low wines or spirits, from changing his, her, or their entry for making of spirits for home consumption, to an entry for making of spirits for exportation; or from changing his, her, or their entry for making of spirits for exportation, to an entry for making of spirits for home consumption; or from changing his, her, or their entry for the making of spirits from corn or malt, to an entry for the making of spirits from melasses or sugar; or from changing his, her, or their entry for the making of spirits from melasses or sugar, to an entry for the making of spirits from corn or malt; so that every new entry, for the respective purposes aforesaid, be made on the same day whereon such distiller shall have withdrawn or discontinued his former entry; but if the new entry shall not be made on the same day in which the former entry shall be withdrawn, such former entry shall remain and continue in full force.

V. And be it further enacted by the authority aforesaid, That every fern ending wash-back which, from and after the first day of *August*, one thousand seven hundred and eighty-six, shall be used or kept by any distiller or maker, or distillers or makers of low wines or spirits, shall have a hole or dipping place in the top thereof, and be so placed and constructed as that the officer or excise may be conveniently enabled to take his dip or gauge at such hole or dipping place at the top thereof; and that every fermenting, or other wash-back shall, after the first day of *February*, one thousand seven hundred and eighty-seven, be so constructed and placed as that the top thereof shall be under or beneath the level of the charging cock of the wash still; and if any such distiller or maker, or distillers or makers of spirits, shall keep or use any fermenting wash-back without such hole or dipping place being at the top thereof, or shall have, keep, or use any fermenting wash back so placed or constructed as that the officer of excise cannot conveniently be enabled to take his dip or gauge at such hole or dipping place at the top thereof, he, she, or they shall, for every such offence, forfeit and lose the sum of two hundred pounds. Wash backs to be so constructed that the officer may conveniently take the gauge, on penalty of 200*l*.

VI. And be it further enacted by the authority aforesaid, That all and every distiller and distillers, and maker and makers of low wines and spirits, shall, after his, her, or their wash-back or wash-backs shall be quite empty, and before the same shall be begun to be fresh lined, give or cause to be given to some or one of the officers of excise, under whose survey he, she, or they shall then be, such notice in writing as herein after is mentioned, before the particular hour or time when he, she, or they intends or intend to begin to line such wash-back or wash-backs, Notice to be given before wash-backs are fresh lined, on penalty of 50*l*.

(that is to fay), he, ſhe, or they, if within the weekly bills of morality, ſhall give notice, in writing, to ſome or one of the officers of exciſe, under whole ſurvey he, ſhe, or they ſhall then be, four hours at leaſt, or in other parts of *Great Britain*, eight hours at leaſt, of his, her, or their intention to begin to lime his, her, or their waſh-back or waſh-backs; and in caſe ſuch diſtiller or diſtillers, or maker or makers, ſhall not begin to lime his, her, or their waſh-back or waſh-backs, at the time mentioned in ſuch notice, or within one hour after, ſuch notice ſhall in every ſuch caſe reſpectively be null and void; and ſuch diſtiller or diſtillers, or maker or makers, ſhall be obliged to give another like notice, in writing, before he, ſhe, or they ſhall begin to lime his, her, or their waſh-back or waſh-backs; and if any diſtiller or diſtillers, or maker or makers of low wines or ſpirits, ſhall begin to lime any ſuch waſh-back or waſh-backs, without giving ſuch notice as aforeſaid, he, ſhe, or they, ſhall forfeit and loſe the ſum of fifty pounds for each and every waſh-back which ſhall be ſo begun to be limed without ſuch notice as aforeſaid.

Penalty of 200*l.* on perſons having conveyance to or from ſtills, not by permiſſion.

VII. And be it further enacted by the authority aforeſaid, That no rectifier or rectifiers, or compounder or compounders of ſpirits, ſhall have or keep any opening, fixed pipe, or other conveyance whatever, leading to or leading from any ſtill or ſtills to him, her, or them belonging, or by him, her, or them uſed (other than and except one charging pipe, and one hole or opening made according to the form of the ſtatute in that caſe made and provided, to the intent that the gaugers and officers of exciſe may take gauges and ſamples), to each ſuch ſtill, nor ſhall have or keep any opening, fixed pipe, or other conveyance whatever, leading from any ſuch ſtill or ſtills, ſave and except the diſcharge cock to each ſtill reſpectively belonging; and if any ſuch rectifier or compounder, or rectifiers or compounders, ſhall have or keep any ſuch opening, fixed pipe, or other conveyance (not before excepted), leading to or leading from ſuch ſtill or ſtills, he, ſhe, or they ſhall, for every ſuch fixed pipe, opening or conveyance (not before excepted), forfeit and loſe the ſum of two hundred pounds.

The provisions contained in

12 Geo. 3. c. 46;

and 14 Geo. 3. c. 73;

VIII. And be it further enacted by the authority aforeſaid, That all and every the clauses, provisions, reſtrictions, powers, authorities, and directions, enacted, provided, granted, and contained in and by an act made in the twelfth year of his preſent Maſeſty's reign, (intituled, *An act for the more effectual preventing of frauds in the revenues of exciſe, with reſpect to ſpirit, ſoap, low wines, and ſpirits*); or in and by an act made in the fourteenth year of his ſaid Maſeſty's reign, (intituled, *An act to extend ſo much of an act, paſſed in the twelfth year of the reign of his preſent Maſeſty, as relates to diſtillers or makers of low wines and ſpirits from corn, to every kind of diſtiller; and for the more effectual ſecuring the revenue of exciſe ariſing from low wines and ſpirits; and for aſcertaining the allowance to be made to the manufacturers of wool and linen, in reſpect of the duties on ſoap imported and uſed in the woollen* and

and *linen manufactures*; ſo far as the ſame, or any of them, relate relative to the to or concern the providing and affixing ſufficient faſtenings to faſtenings to the heads of ſtills, waſh pumps, charging cocks, and diſcharge ſtills, etc. ex- cocks reſpectively, or any of them; or to the providing locks tended to all and keys reſpectively for ſecuring the ſaid ſtill heads, charging diſtilleries. cocks, and diſcharge cocks reſpectively, or any of them; or to the providing and affixing locks, keys, and faſtenings, or any of them, to the furnace doors of any ſtill or ſtills; or to the locking, ſealing, or ſecuring ſuch ſtill heads, waſh pumps, charging cocks, diſcharge cocks, and furnace doors reſpectively, or any of them; or to the opening or charging any ſtill or ſtills, or giving notice of being deſirous to open and charge the ſame reſpectively; or to the lighting fire under any ſtill or ſtills, or to the opening any furnace door, or giving notice of being deſirous to have any furnace door unlocked; or for the uſe of ſuch locks, keys, and faſtenings reſpectively: or to the enforcing a due obedience to the ſaid acts, in reſpect to the matters aforeſaid, under the ſeveral pains and penalties by the ſaid acts reſpectively in that behalf impoſed and inflicted for any diſobedience or neglect concerning the ſame; ſhall be, and the ſame are hereby re-enacted, and are alſo hereby enacted and declared to extend to all furnaces, waſh pumps, and ſtills of all diſtillers and makers of low wines and ſpirits whatſoever.

IX. And be it further enacted by the authority aforeſaid, Persons uſing That all and every rectifier and compounder, and rectifiers and ſtills without compounders of ſpirits ſhall, at his, her, and their own expence, find, provide, and affix ſufficient locks, keys, and faſtenings, proper diſ- to be approved of in writing, by and under the hands of the reſpective ſurveyors or ſupervisors of exciſe of the diviſion or diſtrict in which ſuch rectifier or compounder, or rectifiers or compounders, ſhall reſpectively reſide, to the diſcharge cock of all and every ſtill and ſtills to him, her, or them belonging, or by him, her, or them uſed; and the officers of exciſe ſhall, and they are hereby required to lock and ſecure ſuch diſcharge cocks; and if any ſuch rectifier or compounder, or rectifiers or compounders, ſhall preſume to rectify or compound ſpirits, before he, ſhe, or they ſhall have found, provided, and affixed ſufficient keys, locks, and faſtenings, to be approved of as aforeſaid, to every ſuch diſcharge cock to each and every ſtill to him, her, or them belonging, or by him, her, or them uſed, according to the directions herein given, or ſhall reſuſe to pay for ſuch locks, keys, or faſtenings, in purſuance of the directions of this act, he, ſhe, or they ſhall for each and every ſuch offence, forfeit and loſe the ſum of fifty pounds.

X. And be it further enacted by the authority aforeſaid, That Locks, etc. where any locks, keys, or faſtenings have been or ſhall be provided in purſuance of the ſaid acts, made in the twelfth, fourteenth, and twenty-fourth years of his ſaid Maſteſty's reign, or any of them, or in purſuance of this act, all and every diſtiller to be altered or repaired on and diſtillers, and maker and makers of low wines or ſpirits, requeſition of and all and every rectifier and rectifiers, and compounder and of the officer, on compounders penalty of

compounders of fpirits, to whom fuch locks, keys, and faftenings refpectively fhall then belong, fhall, at his, her, or their own expence, from time to time, and at all times, when required fo to do by the general furveyor, (if fuch diftiller or diftillers, or maker or makers, rectifier or rectifiers, compounder or compounders, fhall refide within the limits of the chief office of excife in *London*), and by the refpective furveyors or fupervifors of excife (if fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders, fhall refide out of the faid limits) of the divifion or diftrict in which he, ſhe, or they fhall refpectively refide, immediately fet about the altering, repairing and amending, and fhall alfo, within a reafonable time then next following, repair, amend, and alter according to fuch requifition, all and fingular the faftenings directed by the faid feveral acts, made in the twelfth, fourteenth, and twenty-fourth years of his faid Majeſty's reign, or any or either of them, to be provided and affixed to the heads of each and every low wine ſtill and waſh ſtill, waſh pumps and charging cocks, belonging to or uſed by any diftiller or maker of low wines or fpirits, and alfo all and every fuch locks and keys as are by fuch acts of parliament, or any or either of them, directed to be provided for fecuring the faid ſtill heads, charging cocks, and waſh pumps, and alfo all fuch locks, keys, and faftenings as are directed by the faid acts, or any or either of them, to be found, provided and affixed to the furnace door of each and every ſtill, by every diftiller and maker of low wines or fpirits for fale, rectifiers and compounders refpectively uſed, and alfo all and every fuch locks, keys, and faftenings, as are by the faid act, made in the faid fourteenth year of his faid Majeſty's reign, directed to be found, provided, and affixed to the diſcharge cock of every waſh ſtill, and of every low wine ſtill, uſed by every diftiller and maker of low wines or fpirits for fale; and if any fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders, to whom any fuch locks, keys, and faftenings, or any or either of them, fhall belong, fhall neglect or refuſe immediately to ſet about the altering, repairing, or amending the ſame, or to repair, amend, or alter the ſame when thereunto required according to the directions of this act, he, ſhe, or they fhall, for each and every fuch neglect or refuſal, forfeit and loſe the ſum of fifty pounds.

Recital of act 27 Geo. 3. C. 70. XI. *And whereas, by an act made in the twenty-third year of the reign of his preſent Majeſty, (intituled, An act for the more effectual preventing the illegal importation of foreign ſpirits, and for putting a ſtop to the private diſtillation or *British* made ſpirituous liquors; for explaining ſuch part of the act, impoſing a duty upon male ſervants, as relates to the right of appeal from juſtices of the peace; to amend and rectify a miſtake in an act of the laſt ſeſſion of parliament, with reſpect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions againſt officers of exciſe acting in*

in pursuance of the authority given by excise statutes), it was enacted, That the keys of every charging cock, and every discharge cock, that shall be made use of by any distiller or maker of low wines and spirits, whether for sale or for exportation, or by any rectifier compounder of spirits, for charging, or for discharging and emptying any still or stills, or other entered utensil by him, her, or them respectively made use of, should be so rivetted into the cock, of which it was a part, as to prevent the same from being taken out of the body of the said cock: and whereas the rivetting the keys of such charging and discharge cocks, in manner directed by the said clause, has been found inconvenient and inadequate to the purposes thereby intended; be it therefore enacted by the authority aforesaid. That so much of the said recited clause, as directs any such cocks to be rivetted as in the said clause is directed, shall be repealed, and the same is hereby repealed accordingly.

Clause of last recited act, relative to rivetting cocks, repealed.

XII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall rivet, or cause to be rivetted, or otherwise fasten or cause to be fastened, any key into any charge or discharge cock of any still of or belonging to or used by him, her, or them, so as to prevent the officer or officers of excise from taking out and examining such key; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, shall rivet or cause to be rivetted, or fasten or cause to be fastened, any such key, contrary to the directions of this act, he, she, or they shall, for every such key so rivetted or fastened, forfeit and lose the sum of fifty pounds.

No key to be rivetted so as to prevent examination, on penalty of 50*l*.

XIII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, nor any rectifier or rectifiers, or compounder or compounders of spirits, shall have any pipe or conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession: and if any such distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders, shall have any pipe or other conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Persons having pipes of communication with worms, to forfeit 100*l*.

XIV. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall, from and after the said first day of August, one thousand seven hundred and eighty-six, have or keep any iron, or other cap or covering, upon any cock belonging to his, her, or their still or stills, or to any pipe, back or vessel whatsoever in his, her, or their entered premises, so as to prevent the officer or officers of excise from distinctly seeing and easily examining such cocks; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders,

No cap, etc. to be kept so as to prevent cocks being examined, on penalty of 50*l*.

shall have or keep any such cap or covering upon any such cock, contrary to the directions of this act, he, she, or they shall, for every such cap or covering so had or kept, forfeit and lose the sum of fifty pounds.

XV. And, to the intent that no allowance may be made or permits granted to any person or persons, calling themselves rectifiers or compounders, for sale, but not being known or actual rectifiers and compounders, for any increase which such person or persons may make in his, her, or their stock or stocks, by water, sugar, syrup, fruit, or any other ingredients; be it enacted by the authority aforesaid,

No persons to be deemed rectifiers, etc. who have less than 100 gallons, etc.

That no person or persons shall be deemed to be a rectifier or compounder of spirits within the meaning of this act, who shall not have an entered still capable of containing in the body thereof, exclusive of the head, one hundred and twenty gallons at the least, nor unless such still shall have suitable tubs and worms affixed thereto, and shall be really and bona fide used for the rectifying of British spirits for sale by such person or persons.

No person to remove wort from backs to stills, before being gauged, on penalty of 20s. etc.

XVI. And be it further enacted by the authority aforesaid, That no wort, wash, or tilts, or other liquor, or preparation for the distilling of low wines, or spirits for home consumption, shall be put into the still, or otherwise removed from the back or vessel wherein the same was or were fermented, until the same shall have been gauged, and the duties hereby imposed charged thereon, by the proper officer of excise; and if any distiller or distillers, or maker or makers of spirits, shall, contrary to the directions of this act, put into any still, or otherwise remove or cause to be so put or removed, any such wort, wash, tilts, or other liquor or preparation from the back or vessel wherein the same was or were so fermented, before the same shall have been gauged, and the duties hereby imposed charged thereon, such person or persons shall, for every such offence, forfeit and lose the sum of two hundred pounds, and shall also pay double the duty for all the wort, wash, tilts, and other liquor or preparation to put into the still or removed as aforesaid.

Regulations relative to still pipes, etc.

XVII. And be it further enacted by the authority aforesaid, That no distiller or maker, or distillers or makers of spirits shall have or keep any pipe, conveyance, or opening, leading to his wash still, save and except the known charging pipe or conveyance leading from his, her, or their known and entered wash back or backs, and such pipe or conveyance shall empty itself in a shute, open trunk, or vessel; which shute, open trunk, or vessel, shall be at a distance not exceeding six feet from the still, and shall be of the following dimensions; that is to say, at least two feet in length, one foot in breadth, and not more than two feet in depth; from which shute, open trunk, or vessel, the conveyance pipe into the wash still shall be in a straight line, and not concealed from the view of the officer, nor of a greater or larger size than six inches diameter in the clear, on pain of forfeiting, for every other pipe, trunk, conveyance, or opening,

opening, erected, fet up, kept, or continued, contrary to the true intent and meaning of this act, the fum of two hundred pounds.

XVIII. And, to the end that the officers of excife may be able to tafte, examine, and afcertain the quality of all wafh, worts, or other liquors, intended to be conveyed into the ftill or ftills of all and every diftiller and diftillers, and maker or makers of low wines and fpirits, all fuch officers are hereby empowered, as often as to them, or any of them, fhall feem expedient, to take a fample or famples of fuch wafh, worts, or other liquors, either in the coolers, wafh-backs, or other veffels whatsoever, before the fame fhall be conveyed into the wafh ftill or ftills, not exceeding twelve gallons at any one time, from each fuch cooler, wafh-back, or other vefsel, on paying after the rate of one fhilling and fixpence by the gallon for the fame.

Officers to tafte wort, on paying for the fame.

XIX. And be it further enacted by the authority aforefaid, That the proper officer of excife fhall gauge all wort, wafh, and other liquor, after the fame fhall have been put into the wafh ftill, (either for home confumption or for exportation), and keep in his books true accounts of the ftill gauges of fuch wort, wafh, and other liquors refpectively.

Officers to keep account of the ftill gauges.

XX. And be it further enacted by the authority aforefaid, That no wort, wafh, tilts, or low wines, in the poffeffion of any diftiller or maker of fpirits, diftillers or makers of fpirits, fhall be removed or taken away from his, her, or their entered diftillery, nor fhall any wort, wafh, or tilts, be depofited, hid, or concealed, in any place whatsoever, with intent to defraud his Majefty of the duties thereon; and when and fo often as any wort, wafh, tilts, or low wines, fhall be removed or taken away, or any wort, wafh, or tilts, depofited, hid, or concealed, contrary to the true intent and meaning of this act, fuch wort, wafh, tilts, and low wines refpectively, fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife; and over and befide fuch forfeiture, fuch diftiller or maker, or diftillers or makers, fo removing or taking away any wort, wafh, tilts, or low wines, or fo depofiting, hiding, or concealing any wort, wafh, or tilts, or caufing the fame fo to be removed, taken away, or depofited, hid, or concealed, and the perfon or perfons employed fo to remove or take away, or fo to depofit, hide, or conceal the fame, or who fhall receive the fame, fhall feverally forfeit and lofe the fum of ten fhillings for every gallon of wort, wafh, tilts, or low wines fo removed, taken away, or concealed, and the like fum of ten fhillings for every gallon of wort, wafh, or tilts, fo depofited, hid, or concealed.

Perfons fraudulently removing or concealing wort, to forfeit it, and ros. per gallon on the quantity.

XXI. And be it further enacted by the authority aforefaid, That if any diftiller and diftillers, and maker and makers of low wines or fpirits for home confumption, fhall, before he, fhe, or they fhall begin to draw off any low wines from his, her, or their wafh ftill, charge the fame with wort or wafh made

Penalty of 2 s. l. on diftillers not charging wafh full as herein directed, or

not working
them off in
due time.

from malt or corn, or melasses or fagar, or with cyder, perry, or other liquor, on which the duties hereby imposed are directed to be charged, and shall have been charged, in the proportion of not less than three parts in four of the whole quantity of liquor which such still, including the head, is capable of containing; and that all and every distiller and distillers, and maker and makers of low wines or spirits for exportation, shall, before he, she, or they shall begin to draw off any low wines from his, her, or their wash still, charge the same with such wort or wash, in the proportion of not less than four parts in five of the whole quantity of liquor which such still, including the head, is capable of containing; and that every wash still shall be worked off within the space of twenty-four hours, to be computed from the time of the officer's taking an account of the charge of such still; and that all and every distiller and distillers, and maker and makers of spirits, who shall begin to draw off any low wines until his, her, or their wash still shall have been so charged in manner herein before directed; or after having been so charged, shall not work the same off within such twenty-four hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of two hundred pounds.

Penalty on
distillers
who do not
charge their
wash stills
before they
draw off
low wines
from the
still, &c.

And be it further enacted by the authority aforesaid, That any distiller or distillers, who shall, within the space of twelve hours after the wash still shall have been run off from the wash still, be charged with low wine still, and shall, within the space of twelve hours after the same shall have been run off and distilled into spirits; and that any distiller or distillers, or maker or makers of low wines or spirits, who shall keep any low wines more than twelve hours after the same shall have been run off from the wash still before the same shall be put into the low wine still, or shall not, within the space of the next twelve hours after the same shall have been put into the low wine still, work off and distil the same into spirits, he, she, or they shall, for every such offence, forfeit and lose the sum of ten pounds by the hour for each and every hour beyond the time or space hereby limited for that purpose, during which he, she, or they shall keep any such low wines without drawing off or distilling the same into spirits.

Penalty of
£100. on re-
ctifiers who do
not charge
their stills as
herein direct-
ed, or work
them off in
due time.

XXIII. And be it further enacted by the authority aforesaid, That all and every rectifier and rectifiers, compounder and compounders of *hills* spirits, shall, before he, she, or they shall begin to draw off any spirits from his, her, or their still, charge the same in the proportion of not less than seven parts in ten of the whole quantity of liquor which such still, including the head, is capable of containing; and such still shall remain and continue so charged until he, she, or they shall begin to draw off spirits therefrom; and every such still shall be worked off within eighteen hours, to be computed from the time of the officer's taking the gauge of the still; and if any rectifier or compounder, or rectifiers or compounders of spirits shall begin to draw off any spirits from his, her, or their still not so charged,

nor shall not work off the same within such eighteen hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

XXIV. And be it further enacted by the authority aforesaid, That no distiller or maker, or distillers or makers of spirits for exportation, shall have or be entitled to any allowance for or under any pretence of any increase by water, or any other fluid mixed with the wash put into his, her, or their still, but the whole charge of such still shall be considered as wash; and he, she, or they shall, in respect of the said charge, produce to the proper officer the several and respective quantities and proportions of spirits, specified and directed in and by an act made in the twenty-first year of his present Majesty's reign, amongst other things, for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein, under the pains and penalties in and by that act directed and provided in that behalf.

No allowance to be made for any fluid mixed with wash, etc.

Directions of act 21 Geo. 3. c. 55. to be followed.

XXV. And be it further enacted, That every officer of excise, having any still or still house, or other place used for the purpose of making or distilling spirits for home consumption, under his survey, shall keep exact accounts in his books of all wash, wort, tilts, and other liquors, whereon the said duties are imposed by this act; and shall in his said books of accounts give unto the several and respective distillers or makers of spirits under his survey, a credit according to the following rates or proportions; that is to say,

Officers to keep accounts of wash, and give distillers the following credits, viz.

For every one hundred gallons of wort or wash, made or brewed from malt, corn, grain, or tilts, or any mixture with the same, a credit for twenty gallons of spirits of the strength of one to ten over hydrometer proof:

For every 100 gallons of wort made from grain, 20 gallons of spirits:

For every one hundred gallons of cyder, perry, wash, or other liquor, made or brewed from any sort or kind of *British* materials, except malt, corn, grain, or tilts, or any mixture with the same, a credit for fifteen gallons of spirits of the strength aforesaid:

For every 100 gallons, made from other British materials, 15 gallons:

For every one hundred gallons of wort or wash, made or brewed from melasses or sugar, or any mixture with the same, a credit for twenty-two gallons of spirits of the strength aforesaid:

For every 100 gallons made from melasses or sugar, 22 gallons:

And for every one hundred gallons of wash, composed of foreign refused wine or foreign cyder, or wash prepared from foreign materials (except melasses and sugar), or any mixture therewith, a credit for twenty gallons of spirits of the strength aforesaid.

For every 100 gallons made from other foreign materials, 20 gallons.

XXVI. And be it further enacted by the authority aforesaid, That if, on casting up the stock of any distiller or maker, or distillers or makers of spirits for home consumption (such maker not being also a rectifier), at the aforesaid strength of one

Encrease of stock, above a due quantity, to be forfeited, and to arise &c.

to ten over hydrometer proof, any officer or officers of exciſe ſhall find the quantity of ſpirits, contained in ſuch ſtock, to exceed the quantity for which the diſtiller or maker or diſtillers or makers thereof is or are entitled to ſuch credit as aforeſaid; after making the proper deduction and allowance for the quantity of ſpirits for which permits ſhall have been granted to ſuch diſtiller or maker, or diſtillers or makers, then, and in every ſuch caſe, ſuch exceſs ſhall be deemed and taken to have ariſen, and been occaſioned by wort, waſh, tilts, or other liquor not duly charged with the rates and duties hereby impoſed; and ſo much of ſuch ſtock as ſhall be found increaſed, ſhall be forfeited and loſt, and a quantity equal to the quantity ſo found in exceſs ſhall and may be ſeized and taken by any officer or officers of exciſe from and out of any part of ſuch ſtock; and the perſon and perſons, in whole ſtock ſuch exceſs ſhall be found, ſhall alſo forfeit and loſe the ſum of fifty pounds.

Officers to
take ſtock of
diſtillers every
3 months, or
when ordered
ſo to do, and
if any unfair
increaſe be
found, it is
to be forfeited
and ſol.

XXVII. And be it further enacted by the authority aforeſaid, That the officers of exciſe ſhall, within thirty days after the commencement of this act, and ſo afterwards once in every three months at the leaſt, and oftener when occaſion ſhall require, or when directed by any principal or general officer of exciſe, or by the ſurveyor or ſuperviſor of the diſtrict, take an account of the ſtock of all diſtillers and makers of *Britiſh* ſpirits for home conſumption, and alſo of the raw or unrectified ſtock of all dealers in *Britiſh* ſpirits for home conſumption (ſuch diſtillers, makers, or dealers, not being actual rectifiers or compounders of ſpirits); and if, on taking ſuch account, the quantity of ſpirits found in any ſuch ſtock, added to the quantity for which permits ſhall have been granted ſince the time of taking the laſt preceding account of ſuch ſtock, ſhall be found to exceed the quantity of ſpirits found in ſuch ſtock at the time of taking ſuch laſt preceding account, added to the quantity ſince legally made or received by permit, ſuch ſtock being caſt or computed at the ſtrength of one to ten over hydrometer proof, a quantity of ſpirits equal to the quantity of ſpirits ſo found in exceſs ſhall be forfeited and loſt, and ſhall and may be ſeized and taken, by the officer or officers of exciſe who ſhall diſcover the ſame, from and out of ſuch ſtock; and the perſon or perſons, in whole ſtock ſuch quantity of ſpirits ſo found in exceſs ſhall be diſcovered or found, ſhall alſo forfeit and loſe the ſum of fifty pounds.

Officers to
take ſtock of
rectifiers
every 3
months, and
if an unfair
increaſe be
found, it is
to be forfeited
and ſol.

XXVIII. And be it further enacted by the authority aforeſaid, That, within thirty days after the commencement of this act, and afterwards once in every three months at the leaſt, the officers of exciſe ſhall alſo take an account of the ſtock of *Britiſh* brandy, rectified *Britiſh* ſpirits, raw *Britiſh* ſpirits, compounds, and other *Britiſh* ſpirits, of every rectifier and compounder of ſpirits (whether a maker of ſpirits or not); and if on taking ſuch account, the ſtock ſo taken, added to the quantity of ſpirits for which permits ſhall have been granted to ſuch rectifier or compounder, ſince the time of taking the laſt preceding account, of-

of fuch stock, fhall be found to exceed the quantity of fpirits found in fuch stock, at the time of taking fuch laft preceding account, added to the quantity fince legally made or received by permit, with the allowance of thirty-five gallons on every one hundred gallons fo made or received, calling or computing fuch stock at the ftrength of one in eight under hydrometer proof, a quantity of fpirits equal to the quantity of fpirits fo found in excefs fhall be forfeited and loft, and fhall and may be feized and taken, by the officer or officers of excife who fhall difcover the fame, from and out of fuch stock; and the perfon or perfons in whole stock fuch quantity of fpirits fo found in excefs fhall be difcovered or found, fhall alfo forfeit and lofe the fum of fifty pounds.

XXIX. And be it further enacted by the authority aforefaid, That for the making unto the rectifiers and compounders of fpirits, as well for what they fhall lawfully make, as for what they fhall lawfully purchafe and receive by permit, a fair allowance for that increafe by water, fugar, fyrup, or fruit which is neceffary to render their fpirits fit for confumption, there fhall be allowed permits for the fending out any number of gallons, not exceeding the rate or proportion of one hundred and thirty-five gallons of *British* brandy, rectified *British* fpirits, or compounds, for every one hundred gallons of *British* raw fpirits of the ftrength of one to ten over hydrometer proof, which they fhall have received by permit, or fhall have made, according to the regulations and directions of this act; any thing herein, or in any other act or acts of parliament, contained to the contrary thereof in any wife notwithstanding.

Rectifiers to have an allowance of 35 gallons in the 100 for increafe by water, &c.

XXX. And, to the intent that permits may not be granted for fending out a greater quantity of *British* brandy, rectified *British* fpirits, or compounds, from the flock of any rectifier or rectifiers, or compounder or compounders of *British* fpirits, than that of one hundred and thirty-five gallons for every one hundred gallons which he, ſhe, or they fhall lawfully make or receive by permit, be it further enacted by the authority aforefaid, That the proper officers of excife fhall keep an account in their books with all and every the diftiller and diftillers, maker and makers, rectifier and rectifiers, and compounder and compounders of *British* fpirits, as well of the quantities of all *British* fpirits which he, ſhe, or they fhall legally make or receive by permit, as of the quantities of all *British* fpirits for which any fuch officer or officers fhall grant any permit; and when and fo often as any officer fhall be called upon or required by any fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, or compounder or compounders, to grant any permit or permits for the fending out of any *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or fpirits of wine, exceeding the quantity which he, ſhe, or they ought to have remaining in flock, fuch officer or officers fhall immediately examine, or caufe to be examined, the flock in hand of fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, or compounder or compounders, and what-

Officers to keep an account of the quantity of fpirits made, &c. and for which permits have been granted; and if permits are required for a larger quantity than ought to be in flock, it may be feized.

ever

ever excefs fhall be found in ftock, fuch excefs fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife.

Spirits not of
the ftrength
becom pre-
fented to be
forfeited :

XXXI. And be it further enacted by the authority aforefaid, That no diftiller or diftiller, or maker or makers of fpirits, fhall fell or fend out any fpirits whatever for home confumption of a greater or higher degree of ftrength than that of one to ten over hydrometer proof; and no rectifier or rectifiers, or compounder or compounders of fpirits (whether a maker or makers of fpirits, or not), fhall fell or fend out any *British* brandy, *British* rectified fpirits, *British* compounds, or other *British* fpirits, of a greater or higher degree of ftrength than that of one in eight under hydrometer proof; nor fhall any diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders of fpirits, or any dealer or dealers in fpirits, fell or fend out any foreign fpirits of a lower degree of ftrength than that of one in fix under hydrometer proof, nor have in his, her, or their cuftody or poffeffion any quantity of foreign fpirits, or *British* and foreign fpirits mixed together, except fhrub, cherry or rafpberry brandy, of a lower degree of ftrength than as laft aforefaid, upon pain of all fuch fpirits being forfeited and loft; and all fuch fpirits, together with the casks and veffels containing the fame, fhall and may be feized by any officer or officers of excife.

But rectifiers,
etc. keeping
their ftock of
fpirits fepa-
rate from
other liquors,
may fend out
a quantity of
a greater
ftrength.

XXXII. Provided nevertheless, and be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any rectifier or rectifiers, or compounder or compounders of fpirits, and to and for any dealer or dealers in rectified *British* fpirits, upon condition of his, her, or their keeping his, her, or their whole ftock of fpirits of wine feparate and apart from his, her, or their ftock of other liquors, but not otherwife, to demand and receive permits for fending out fpirits of wine of any higher or greater degree of ftrength than that of one in eight under hydrometer proof to any perfon not being a maker, rectifier, or compounder of fpirits, fo that the whole quantity of fuch fpirits of wine to be fend to any one perfon in the fame day fhall not exceed one hundred and twenty gallons; and the officer granting fuch permit fhall therein exprefs the fame to be double fpirits, and fhall debit the ftock of fuch rectifier or rectifiers, compounder or compounders, or dealer or dealers, at the rate of two hundred gallons of *British* fpirits for every one hundred gallons of fpirits of wine for which fuch permit fhall be granted.

Rectifiers not
marking the
ftrength of
mixed fpirits
on casks, or
marking them
untrue, to
forfeit the
fame, and fol.

XXXIII. And be it further enacted by the authority aforefaid, That in all cafes where the ftrength of any part of the ftock of any rectifier or rectifiers, or compounder or compounders of fpirits, by being mixed with any fugar, fyrup, feeds, fruit, or any other ingredients or materials, cannot be eafily afcertained by the hydrometer, fuch rectifier or rectifiers, or compounder or compounders, fhall, upon twelve hours notice given him by fuch officer or officers, caufe the true quantity and degree

degree of strength of such spirits, so mixed, to be legibly marked on the outside of the cask or casks, or vessel or vessels, containing the same respectively; and if the strength of such spirits shall be found to have been unruly marked by such rectifier or rectifiers, or compounder or compounders, on the outside of such cask or casks, or vessel or vessels, or if he, she, or they shall, upon such twelve hours notice given as aforesaid, neglect to mark the quantity and degree of strength of such spirits, as aforesaid, such spirits, strup, seeds, fruit, and other ingredients, together with the casks and vessels containing the same, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise; and such rectifier or compounder, or rectifiers or compounders, shall also, for each and every such offence, forfeit and lose the sum of fifty pounds.

XXXIV. Provided always, and be it enacted by the authority aforesaid, That if any *British* spirits (other than and except raw or unrectified spirits, or spirits of wine, which have been lawfully received by permit, according to the directions of this act, or of an act passed in this session of parliament, intitled, *In aid to discontinue, for a limited time, the several duties payable in Scotland upon low wines and spirits, and upon worts, wash, and other liquors the usual in the distillation of spirits, and for granting to His Majesty other duties in lieu thereof*), or any mixture of *British* spirits with foreign spirits, shall be found in the custody of any dealer or dealers in spirits, not being a rectifier or compounder of *British* spirits, exceeding the strength of one in eight under hydrometer proof, the same, together with the casks and vessels containing the same, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Rectified spirits found in the custody of any dealer, not a rectifier, to be forfeited, if stronger than one in eight under hydrometer proof.

XXXV. And be it further enacted by the authority aforesaid, That if any distiller or distiller, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in spirituous liquors, shall have, occupy, or use different entered warehouses or places for the keeping of any spirituous liquors, or strong waters, and which shall not be under the same roof, or shall be separated from each other by the intervention of any land, premises, buildings, or otherwise howsoever, the stocks of spirituous liquors in such entered warehouses or places shall or may, if the officer or officers (under whose survey such stock or stocks shall be) deem it expedient, be deemed and taken to be separate and distinct stocks, and the same shall and may be surveyed and kept account of by the officer and officers of excise accordingly, in the same manner as if the same belonged to different persons.

Spirituous liquors kept in separate buildings, may be surveyed at separate stocks.

XXXVI. And, to the intent that the officers of excise may the more conveniently examine into, and give proof (if necessary) of the strength and quality of any *British* spirits for home consumption, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any officer or officers of excise, at all times, to take any sample or samples, not exceeding four gallons respectively, of any spirits whatsoever, at any time found

Persons hindering officers from taking samples, paying for the same, to be forfeited.

in

in the custody or poffeffion of any diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders of fpirits, or dealer or dealers in fpirits, paying for fuch fample or famples, at and after the rate of feven fhillings by the gallon for fuch fample or famples of *British* fpirits, and at and after the rate of thirteen fhillings by the gallon for fuch fample or famples of foreign fpirits: and if any perfon or perfons whatfoever fhall obftruct or hinder any fuch officer or officers in the taking any fuch fample or famples, fuch perfon or perfons fhall, for every fuch offence forfeit and lofe the fum of one hundred pounds.

Spirits produced from stills at work when stocks are taken, to be afterwards added.

XXXVII. Provided always, and be it enacted by the authority aforefaid, That if any ftill fhall happen to be charged, and at work at the time of fuch officer's taking account of the ftock of any diftiller or diftillers, maker or makers, rectifier or rectifiers, or compounder or compounders of fpirits, to whom fuch ftill fhall belong, then, and in every fuch cafe, all the fpirits produced from that charge of the ftill fhall be kept feparate and apart from the reft of fuch ftock till the account of the reft of fuch ftock fhall have been completely taken, after which the fpirits produced from that charge fhall be added to fuch ftock.

Penalty on uſing caſks not entered or gauged, etc.

XXXVIII. And, for enabling the officers of exciſe the more readily to take the ſeveral accounts by this act directed, be it further enacted, That all ſtanding or fixed caſks uſed for the keeping in ſtock of any *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or other fpirits, ſhall, on or before the fifth day of July, one thouſand ſeven hundred and eighty-fix, or if erected or ſet up after that time, then before the ſame ſhall be made uſe of, be entered at the proper office of exciſe, and be truly gauged and inched to the ſatisfaction of the proper officer or officers of exciſe, upon pain of forfeiture, by the owner or owners thereof, of the ſum of one hundred pounds for every fuch caſk which ſhall be uſed without having been duly entered, gauged, and inched, as aforeſaid, and alſo of every fuch caſk, with the liquor contained therein; and that every moveable caſk uſed for the ſending out or keeping of *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or other fpirits, by any maker, rectifier, compounder, or dealer in *British* fpirits for home conſumption, ſhall have its full meaſure in gallons, or the quantity of liquor it is capable of containing, legibly painted or cut on ſome conspicuous part thereof, upon pain that the owner of any moveable caſk ſo uſed, not having ſuch full meaſure or ſuch quantity painted or cut, or the perſon ſending out the ſame, ſhall forfeit and loſe the ſum of fifty pounds for every ſuch default, omiſſion, or offence.

Perſons not filling up caſks on notice of ſurvey, or not

XXXIX. And be it further enacted by the authority aforeſaid, That if a previous notice of twelve hours in writing be given or left, by the officer or officers of exciſe under whoſe ſurvey any diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* fpirits, ſhall

at

any time he, of fuch officer or officers intention to take an account of any ftock of *Britifh* brandy, rectified *Britifh* fpirits, raw *Britifh* fpirits, *Britifh* compounds, or other fpirits refpectively, or belonging to any fuch diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *Britifh* fpirits, fuch diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *Britifh* fpirits, fhall, within fuch twelve hours, fill up, or caufe to be filled up, all and every his, her, or their moveable casks or utensils containing any *Britifh* fpirits, and which fhall not be completely filled at the time of fuch notice being given, fave and except that one of fuch moveable casks or utensils may remain on ullage with *Britifh* brandy therein, another thereof on ullage with rectified *Britifh* fpirits therein, another thereof on ullage with raw *Britifh* fpirits therein, another thereof on ullage with *Britifh* compounds therein, and another thereof on ullage with fpirits of wine therein; and fuch diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *Britifh* fpirits, fhall alfo feparate all fuch moveable casks and utensils containing *Britifh* brandy, from all other casks and utensils whatfoever, and keep the fame fo feparated for the fpace of fix hours next after the expiration of fuch twelve hours; and fhall in like manner feparate all fuch moveable casks and utensils containing rectified *Britifh* fpirits from all other casks and utensils whatfoever, and in like manner keep the fame fo feparate for the fpace of fix hours next after the expiration of fuch twelve hours; and fhall alfo in like manner feparate all fuch moveable casks and utensils containing raw *Britifh* fpirits from all other casks and utensils whatfoever, and in like manner keep the fame fo feparate for the fpace of fix hours next after the expiration of fuch twelve hours; and fhall in like manner feparate all fuch moveable casks and utensils containing *Britifh* compounds from all other casks and utensils whatfoever, and in like manner keep the fame fo feparate for the fpace of fix hours next after the expiration of fuch twelve hours; and fhall in like manner feparate all fuch moveable casks and utensils containing fpirits of wine from all other casks and utensils whatfoever, and in like manner keep the fame fo feparate for the fpace of fix hours next after the expiration of fuch twelve hours; to the intent that fuch officer may be able to take fuch ftock with the greater eafe and certainty; and if fuch diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in fpirits, fhall or do, after fuch notice, neglect or refufe to fill up, or caufe to be filled up, any fuch moveable cask or utensil, according to the directions of this act, or fhall neglect or refufe to feparate all fuch moveable casks and utensils containing fuch *Britifh* brandy, rectified *Britifh* fpirits, or *Britifh* fpirits, *Britifh* compounds, and fpirits of wine refpectively, or to keep the fame feparate from all other casks and utensils whatfoever, according to the directions of this act, fuch diftiller or diftillers, rectifier or rectifiers, compounder or compounders of, or

or dealer or dealers in ſpirits, ſhall, for each and every ſuch offence, forfeit and loſe the ſum of one hundred pounds.

Particulars
to be ſpecified
in permits.

XL. And be it further enacted by the authority aforeſaid, That in every permit for the removal of any raw *British* ſpirits, it ſhall be expreſſed and truly ſpecified immediately after the name of the perſon out of whoſe ſtock ſuch ſpirits ſhall be ſent, whether ſuch perſon be a diſtiller or maker, or a rectifier, or a maker and rectifier, or a dealer in ſpirits; and that no permit, ſave only the permit from the actual diſtiller or maker of ſuch raw ſpirits in *England* (ſuch diſtiller or maker not being alſo a rectifier for home conſumption, or a compounder of ſpirits), and the permit accompanying *British* ſpirits, whether raw, rectified, or compounded, legally brought from *Scotland*, ſhall carry with it, or intitle any rectifier or compounder, or dealer, to any allowance for the ſame in ſtock beyond the actual quantity of the ſpirits removed by virtue of ſuch permit: provided always, that every dealer or dealers, rectifier or rectifiers, compounder or compounders, after receiving any rectified or compounded ſpirits legally brought from *Scotland*, ſhall be obliged, within twenty-four hours after the receipt of ſuch ſpirits, to give notice thereof to the proper officer, who is hereby obliged, within twenty-four hours after ſuch notice, to attend to ſee ſuch ſpirits reduced to the ſtrength as by this act provided for ſuch rectified or compounded ſpirits as aforeſaid; and if ſuch rectifier, compounder, or dealer, ſhall reſuſe or neglect, at the requeſt of the officer, to reduce ſuch ſpirits as aforeſaid, ſuch ſpirits ſhall be ſeized, forfeited, and loſt.

Notice of the
receipt of ſpi-
rits brought
from *Scotland*
to be given;
and if not
properly re-
duced, to be
forfeited.

Mode of ap-
plication for
permits, and
penalty on
neglect.

XLI. And be it further enacted by the authority aforeſaid, That all perſons intituled to or demanding any permit for the removal of *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, ſpirits of wine, or *British* compounds, for home conſumption, ſhall in the requeſt note ſpecify the reſpective trades or callings, ſpecifying whether they are diſtillers, rectifiers, compounders, or dealers in *British* ſpirits, and alſo the quantity of each ſuch reſpective ſort of *British* ſpirits intended to be removed, (and if ſuch perſon or perſons ſhall have, occupy, or uſe different entered warchouſes or places for the keeping of any *British* ſpirits, and which ſhall not be under the ſame roof, or be ſeparated from each other by the intervention of any land, premises, or buildings, or otherwiſe howſoever, from what particular warehouſe, ſtorehouſe, room, ſhop, cellar, vault, or other place, the ſame is intended to be removed), and to whom the ſame is intended to be ſent; and ſuch requeſt note ſhall alſo ſpecify whether ſuch *British* ſpirits, ſo intended to be removed, are *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, ſpirits of wine, or *British* compounds, and ſhall alſo diſtinguiſh raw *British* ſpirits made from corn from raw *British* ſpirits made from melasses or ſugar, or any other materials, and ſhall alſo ſpecify the contents of the ſeveral caſks, veſſels, and other packages containing the ſame, and by what mode of conveyance the ſame is intended to be ſent, and whether by land

or by water; and no permit shall be valid or of any effect, if the same shall be granted on any request note not made conformable to the directions of this act; and all such spirits which shall be removed under a description not conformable to this act, or under any false description, together with the casks, vessels, and other packages containing the same, and the horses, cattle, carts, and other carriages used in the removal thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

- XLII. And be it further enacted, That every permit to be granted by any officer of excise, for the removal of any *British* spirits, shall be made to correspond, in respect to the particulars aforesaid, with the request note whereon the same shall be granted, and such permit shall be sent and delivered with such spirits unto the buyer thereof, upon pain that such spirits shall (if the same be not seized in the transit for want of a lawful permit accompanying the same), be forfeited to the buyer thereof, and the seller rendered incapable of recovering the same, or the value or price thereof, in any court of law or equity; and also that the seller shall, over and besides the loss of the said spirits, forfeit and lose double the value of or price agreed to be paid for the same, including the duties, and that the evidence of the buyer or person receiving the said spirits shall, as to such forfeiture of double the value or price, be admitted to prove that the same were delivered without a lawful permit.

Permits to correspond with request notes, and to be delivered to the buyer, on penalty of forfeiture of the spirits, etc.

XLIII. Provided always, and be it enacted by the authority aforesaid, That when any suit or action shall be commenced, or any information filed or exhibited either against the seller for recovery of the forfeiture of such double value or price, or against the buyer for the recovery of the said spirits, or the value thereof; and upon the trial or hearing of any such suit, action, or information respectively, the delivery of a proper permit to the buyer shall become a question, it shall be sufficient for the seller to prove that a lawful permit was duly obtained by him for the removal of such spirits into the stock of the buyer thereof, and that there had been a suitable decrease in the seller's stock to answer the quantity of such spirits so removed and delivered; and upon making out such proof, such spirits shall be adjudged to have been sent out and delivered with a lawful permit, according to the true intent and meaning of this act: provided also, That no buyer of any such *British* spirits shall avail himself of any such forfeiture as aforesaid, unless such buyer shall, within fourteen days next after the delivery of the said spirits to him, her, or them, exhibit a complaint or information before the commissioners of excise or justices of the peace, having jurisdiction in that behalf, and forthwith prosecute the same with effect; and when any such buyer shall, before the delivery of such spirits, have actually paid for the same, and shall prosecute the seller for the said penalty of double the value, and shall recover the same, then, and in such case, the said buyer shall and may have and maintain his action upon the case at

If it be proved that a permit was obtained for removal of spirits, they shall be deemed to have been delivered with a permit.

Buyers prosecuting for forfeiture of spirits, delivered without permits, to exhibit complaints in 14 days, etc.

common law against such seller for the money so paid, or for so much money had and received by the defendant for the plaintiff's use; and upon obtaining a verdict in such action, the plaintiff shall also recover costs of suit.

Denomina-
tions of spirits
of different
distillations.

XLIV. And be it further enacted by the authority aforesaid, That all *British* spirits of the third extraction, or which have been twice distilled from low wines, and have had any flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be *British* brandy within the meaning of this act; and all *British* spirits of the third extraction, or which shall have been twice distilled from low wines, and have had no flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be rectified *British* spirits within the meaning of this act; and all *British* spirits of the second extraction, or which shall have been once distilled from low wines, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be raw *British* spirits within the meaning of this act; and all *British* spirits which shall have been distilled with juniper berries, caraway seeds, anise seeds, or any other seeds, preparation or ingredient whatsoever, used in the compounding of liquors, and all liquors whatsoever which shall be mixed or mingled with any such *British* spirits, shall be deemed and taken to be *British* compounds within the meaning of this act; and all *British* spirits of greater or higher proof or strength than one to two over hydrometer proof, shall be deemed and taken to be spirits of wine within the meaning of this act; and if any question shall arise whether any spirits removed by any permit are *bona fide* such *British* brandy, rectified spirits, raw spirits, spirits of wine, or compounds, as are described and specified in the permit accompanying the same, or granted for the removal thereof, although such spirits should appear to have been kept in the officer's books, or account of the stock from which such spirits were removed, by the same name or description as is specified in such permit, the proof of such spirits being really and truly of the sort specified in such permit, shall be upon the owner or claimer thereof, by the oaths of two credible witnesses, being lawful and experienced persons competent to decide by examination thereof.

Proof of spirits removed being such as described in the permit, to lie upon the owners.

Persons fraudulently making or possessing spirits, to forfeit their licences.

XLV. And be it further enacted by the authority aforesaid, That if any distiller, maker, rectifier, compounder, or retailer, or distillers, makers, rectifiers, compounders, or retailers of *British* or foreign spirits, or any dealer in *British* or foreign spirits, shall, after the first day of February, one thousand seven hundred and eighty-seven, be convicted of the offence of fraudulently making, or of having in his, her, or their possession, any spirits whatsoever, *British* or foreign, without having received a legal permit with the same; and it shall have

appeared in proof, to the satisfaction of the commissioners of excise, or justices of the peace before whom such conviction shall be made, that the offence was knowingly and wilfully committed by the party convicted of the same, which fact of such offence being knowingly and wilfully committed shall be set forth in the record of such conviction; in every such case, the offender or offenders, (over and besides all other penalties incurred by law) shall forfeit and be debarred from all future benefit and advantage of his or their subsisting licence or licences for making, rectifying, or vending any spirits or other liquors; and if such offender shall be a maker, distiller, rectifier, or compounder of spirits, or wholesale dealer in spirits, his or her entry or entries, licence or licences for the making, rectifying, compounding, or vending of spirits, shall be void, and no new or fresh licence shall be granted to such person for the space of one month.

XLVI. And be it further enacted by the authority aforesaid, That no maker, rectifier, or compounder, or makers, rectifier or compounders of spirits, shall receive into his, her, or their custody or possession, any raw *British* spirits in any cask or vessel of a less size or content than that of one hundred gallons at the least; nor shall any distiller, rectifier, or compounder, or distillers, rectifiers, or compounders of spirits, nor any dealer or dealers in spirits, receive into his, her, or their custody or possession any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compound, or spirits of wine, at any other time than between the hours herein-mentioned; (that is to say), from the twenty-fifth day of *March* to the twentieth day of *September*, both inclusive, between the hours of five in the morning and seven in the evening, and from the thirtieth day of *September*, to the twenty-fourth day of *March*, both days inclusive, between the hours of seven in the morning and six in the evening; and when and so often as any raw *British* spirits shall be received in any cask or vessel of a less content or size than such as is before mentioned; or if any such distiller, rectifier, compounder, or dealer, or distillers, rectifiers, compounders, or dealers, shall so receive any *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, or spirits of wine, at any other time than is herein-before for that purpose limited, he, she, or they shall, for each and every such offence forfeit and lose the sum of fifty pounds; and all such *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, and spirits of wine, which shall be so received contrary to the prohibition herein before in that behalf made and contained, together with the casks and vessels containing the same, and such *British* brandy, rectified *British* spirits, raw *British* spirits, *British* compounds, casks, and vessels, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

Regulations relative to the size of vessels for containing raw spirits, and times of rectified spirits being received.

Penalty on receiving spirits in improper casks, or at

XLVII. And whereas a manufacture of spirits, commonly called Maidstone Geneva, is established at Maidstone, in the county of

The manu-
facturer of
Maidſtone ge-
neva to pay
18s. for every
72 gallons of
waſh made
from not
more than
112 lb. of
corn.

For every
112 lb. of
corn, a credit
to be allowed
of eight gal-
lons of ſpirits
of one in
ſeven under
hydrometer
proof.

If ſpirits be
ſtronger than
one to ſeven
under hydro-
meter proof,
they are for-
feited.

Undue exceſs
of ſtock to be
forfeited.

Notice of
making wort
at the ſaid
manufactory
to be given,
on penalty of
200l.

Kent, by George Biſhop of that place, which manufacture is eſſentially different from any other manufacture of ſpirits in Great Britain, as well with reſpect to the quality of the liquor as to the proceſs by which it is made: and whereas the ſaid manufacture requires ſo large a proportion of waſh to produce a given quantity of ſpirits, as to render it in poſſible to continue the ſaid manufacture, if the rates of duties herein before preſcribed by this act be collected on each gallon of waſh; be it therefore further enacted by the authority aforeſaid, That, during the continuance of this act, there ſhall be paid by the ſaid George Biſhop, for every ſeventy-two gallons of waſh which he ſhall produce from a weight of malt, or other corn, including the bran thereof, and not exceeding one hundred and twelve pounds, the ſum of eighteen ſhillings, being at the rate of three pence per gallon.

XLVIII. And be it further enacted by the authority aforeſaid, That for every one hundred and twelve pounds weight of malt, or other corn, be ore the ſame is ſeparated from the bran thereof, ſo uſed by the ſaid George Biſhop, he ſhall be allowed a credit, in the books of the proper officer or officers of exciſe, of not more than eight gallons of ſpirits, at the ſtrength of one in ſeven under hydrometer proof.

XLIX. And be it further enacted by the authority aforeſaid, That the ſaid George Biſhop ſhall not ſell or ſend out any ſpirits whatſoever, of a greater degree of ſtrength than that of one in ſeven under hydrometer proof; and if the ſaid George Biſhop ſhall ſell or ſend out any ſpirits whatſoever, contrary to the true intent and meaning of this act, ſuch ſpirits, together with the caſks and veſſels containing the ſame, and the horſes, cattle, carts, and carriages made uſe of in the removal thereof, ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of exciſe.

L. And be it further enacted by the authority aforeſaid, That if on caſting up the ſtock of the ſaid George Biſhop, the officer of exciſe ſhall find the quantity of ſpirits contained in ſuch ſtock, to exceed the quantity for which the ſaid George Biſhop is entitled to credit, at the ſtrength of one in ſeven under hydrometer proof, after deducting and allowing for the quantity of ſpirits for which permits ſhall have been granted to the ſaid George Biſhop, then, and in every ſuch caſe, the exceſs found ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of exciſe.

LI. And be it further enacted by the authority aforeſaid, That before the ſaid George Biſhop ſhall make uſe of any malt or corn, for the purpoſe of making any wort or waſh, he ſhall give twelve hours notice in writing to the proper officer of exciſe, of his intention to uſe the ſame, in order that the ſaid officer may attend to weigh ſuch malt or corn; and if the ſaid George Biſhop ſhall neglect to give ſuch notice as aforeſaid, he ſhall, for every ſuch neglect, forfeit and loſe the ſum of two hundred pounds.

LII. And

LII. And be it further enacted by the authority aforesaid, That for the purpose of enabling the proper officer of excise to ascertain the strength of the wash on which the duty as aforesaid shall have been charged, the said *George Bishop* shall provide in his distillery house at *Maidstone* aforesaid, a small still with a worm and tub compicat, of a size sufficient to distill at one time twenty-four gallons of wash, and which quantity of wash such officer is hereby empowered to take and distill for the purpose aforesaid, when and as often as he shall think fit; and if twenty-four gallons of wash so distilled shall be found to produce more than two gallons and three fourth parts of a gallon of spirits, at the strength of one in seven under hydrometer proof, then the whole quantity of wash from which such twenty-four gallons were taken, shall be charged with a duty of one shilling per gallon.

A still to be provided at the said manufactory, to enable the officer to ascertain the strength of wash.

LIII. And be it further enacted by the authority aforesaid, That if any person or persons actually occupying any house, whether he, she, or they be the owner or renter, or owners or renters thereof, or not, shall knowingly permit any private back or still to be set up or used in any part of such house, or in any building thereto belonging, by any person or persons whomsoever for the making of wort, wash, or other liquor for distillation, or of any low wines or spirits, without a due entry being previously made thereof at the proper office of excise, or without having taken out a legal licence for that purpose, such occupier shall incur and be subject to the same pains and penalties as are by law directed to be inflicted on persons actually using any such back or still.

Occupiers of houses, permitting stills to be set up without entry and licence, subject to the like penalties as unlicensed distillers.

LIV. And be it enacted by the authority aforesaid, That no person licensed to sell brandy or other spirits by retail, or selling brandy or other spirits by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits; and if any such person so licensed, or so selling brandy, rum, or other spirits, by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits, such person shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Retailers of spirits to forfeit 200l. if they have any share of any distillery.

LV. And whereas great frauds have been committed by persons carrying on in the same premises the joint business of a vinegar maker from melasses or sugar, and distiller of spirits from wash or wort made from melasses or sugar, or the joint business of a vinegar-maker from melasses or sugar, and a rectifier or compounder of spirits; for the preventing thereof in future, be it further enacted, That, from and after the first day of February, one thousand seven hundred and eighty-seven, it shall not be lawful for any person carrying on the trade or business of a vinegar-maker from melasses

Vinegar-makers not to carry on in the same premises a distillery.

laſſes or ſugar, or from any other materials, except malt or corn, to carry on, either alone or in partnership, the trade or buſineſs of a diſtiller, or maker or rectifier of ſpirits, in the buildings or premiſes in which ſuch perſon ſhall carry on the trade of a vinegar-maker from any other materials than malt or corn, or within the diſtance of two miles thereof, and that all entries made for the carrying on the trade or buſineſs of a diſtiller, or maker or rectifier of ſpirits, contrary hereto, ſhall be null and void.

LVI. And be it further enacted by the authority aforeſaid,

From Aug. 1,
1786, all en-
tries of vine-
gar-makers to
be void, un-
leſs therein be
expreſſed the
materials
from which
the vinegar is
made.

That before any perſon or perſons ſhall be intitled, after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-fix, to carry on the trade of a vinegar-maker, he, ſhe, or they ſhall make an entry with the proper officer of exciſe of the brewhouſe, buidings, yard, or place for the carrying on ſuch trade, and that in ſuch and all future entries made by any vinegar-maker or vinegar-makers, it ſhall be declared and ſpecified whether he, ſhe, or they be a maker or makers of vinegar from malt or corn, or from melaiſſes or ſugar, or from any and what other materials; and that every entry not conformable thereto ſhall be void; and that all entries made by vinegar-makers on or before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-fix, ſhall, from and immediately after that day, become void, and be no longer in force.

LVII. And be it further enacted by the authority aforeſaid,

No mixed
ſpirits to be
ſent out in a
greater quan-
tity than four
gallons, on
penalty of 50l.

That no perſon or perſons whatſoever ſhall ſell or ſend out any *British* ſpirits mixed with foreign ſpirits from their warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, ſheds, or other places to him, her, or them belonging, in any greater quantity than four gallons, upon pain or forfeiting, for every ſuch offence, the ſum of fifty pounds.

LVIII. And be it further enacted by the authority aforeſaid,

If more than
60 gallons of
foreign ſpi-
rits be brought
to London at
once, except
in commerce,
to be forfeited.

That no foreign brandy, rum, arrack, or other foreign ſpirits or ſtrong waters, exceeding the quantity of ſixty gallons, ſhall be brought within the limits of the chief office of exciſe in *London*, by one permit, or by one conveyance, at one and the ſame time, from any other part of *England*, or from *Iſles*, or *Breſt upon Tued*, either by land or water, ſave and except only by the way of *Graveland*, to the port of *London*, in the legal and ordinary courſe of commerce, on pain of being ſeized and forfeited.

LIX. And be it further enacted by the authority aforeſaid,

After Oct. 1,
1786, ſhips
bringing ſpi-
rits in casks
or keels than
two gallons,
(except rum
or arrack),
to be ſeized
and forfeited
upon.

That, from and after the firſt day of *October*, one thouſand ſeven hundred and eighty-fix, no foreign ſpirituous liquors whatever (except rum of the growth or produce of the *British* plantations, and arrack) ſhall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any veſſel or caſk which ſhall contain leſs than one hundred gallons at the leaſt (excepting only for the uſe of the ſeamen then belonging to and on board the ſhip or veſſel in which the ſame ſhall be imported, not exceeding two gallons for

for each seaman), upon pain of forfeiting such foreign spirituous liquors, and also the ship or vessel in which the same shall be so imported, of whatever burthen the same may be, with all her guns, furniture, ammunition, tackle, and apparel.

LX. And be it further enacted by the authority aforesaid, That from and after the first day of *November*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall import into the kingdom of *Great Britain* any foreign brandy, arrack, rum, spirits, or strong waters whatsoever, of a greater or higher degree of strength than that of one to nine over hydrometer proof; and if any foreign brandy, arrack, rum, spirits, or strong waters, shall be imported of any greater or higher degree of strength than as aforesaid, the same shall be forfeited and lost, together with the casks and packages containing the same, and shall and may be seized by any officer or officers of the customs or excise: provided always, That nothing herein-before contained shall extend, or be deemed or construed to extend, to the forfeiture of any rum, or spirits of the growth, produce and manufacture of the *British* sugar plantations, for being imported into this kingdom, of any greater degree than that of one to nine over hydrometer proof.

After Nov. 1, 1786, spirits imported stronger than one to nine over hydrometer proof (except from British plantations) to be forfeited.

LXI. And whereas the quantities of wort, wash, or other liquor, produced to the officers of excise at several distilleries taken for a given time, have occasionally fallen short of the quantities which the stills and utensils belonging to such distilleries were, according to the ordinary course of distillation, capable of working within the same given time, and there is reason to suspect that considerable quantities of wort, wash, and other liquor, have been fraudulently worked at such distilleries, in prejudice of his Majesty's revenue, and to the manifest injury of the fair trader; for remedy whereof, be it enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, every entered wash still, belonging to any distiller or distillers, or maker or makers of spirits from malt or corn, for home consumption, during the time the same shall be worked, shall be presumed to have been charged with wash, in the proportion of three parts in four of the content or capacity of such still, including the head thereof, according to the average rates herein-after expressed and specified; (that is to say), For such time or times as such wash still shall be worked betwixt the fifteenth day of *November* inclusive, in any one year, and the fifteenth day of *May* exclusive, in the next succeeding year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of five times in every week; and for such time or times as the same shall be worked betwixt the fifteenth day of *May* inclusive, in any one year, and the fifteenth day of *November* exclusive, in the same year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of four times in every week.

Quantities of wort with which stills are to be presumed to be charged, during the time of working, etc.

No entry to be withdrawn after a still shall have begun working, in less than three months.

LXII. And be it further enacted, That, from and after the said first day of *August*, every such wash still, after the working thereof shall have commenced and been begun, shall be presumed to be kept regularly in work for the space of three calendar months successively, at the least, to be computed from the day of the actual working thereof; and no person or persons who shall have begun to work any wash still shall be at liberty to discontinue or withdraw the entry of any such still after the working thereof shall have commenced and been begun, until the expiration of the said term of three calendar months, to be computed as aforesaid.

After three months, entries may be withdrawn on giving notice.

LXIII. Provided always, and be it further enacted, That when the owner or owners of any wash still shall be inclined to discontinue working the same, such owner or owners shall be at liberty so to do at any time after the end and expiration of the said three calendar months, to be computed as aforesaid, upon giving notice in writing, four days at least, to the officer of the district or place, of such his, her, or their intention, and expressing in such notice the day on which the working of such still is intended to be discontinued.

Commissioners of excise may grant relief where the presumed charges of duty exceed the actual quantity of wash.

LXIV. Provided also, and be it further enacted, That if it shall at any time be made appear, by sufficient proof upon oath, to the satisfaction of the commissioners of excise, the sufficiency of such proof being left to the judgement of the said commissioners, that the difference or excess in the amount of the presumptive charges of the still, beyond the quantity of wort, wash, or other liquor, actually produced to the sight of the officer was occasioned or shall have arisen by unavoidable necessity, and that all the wort, wash, and other liquor worked off at such wash still, was *bona fide* produced to the sight of the officer; then, and in every such case, it shall be lawful for the commissioners of excise, and they are hereby required to grant to the owner or owners of such wash still such relief as shall in their judgement be reasonable and just.

No stills that have discontinued working to recommence without giving notice, on penalty of 200l.

LXV. And be it further enacted, That when and so often as the owner or owners of any such stills who shall have discontinued working the same in the manner aforesaid, shall be inclined to recommence the working thereof, such owner or owners shall signify such his, her, or their intention to the officer of excise by notice in writing, four days at the least next antecedently to the day whereon such working is intended to be renewed, (which day shall be specified in such notice); and if any such owner or owners, or other person or persons, shall recommence such working without such notice being given as is herein before directed, he, she, or they, shall forfeit and lose the sum of two hundred pounds.

Regulations with regard to seizures made

LXVI. And be it further enacted by the authority aforesaid, That all arrack and rum, and all home made and foreign brandy, compounds, and other spirits of what kind soever, which, between the tenth day of *October*, one thousand seven hundred

hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-six, have been, or may be, seized and condemned, and are now remaining in his Majesty's warehouses, or may be deposited therein previous to the said fifth day of *July*, and which were, by the said act, made in the twenty-fourth year of his said Majesty's reign, directed to be staved and destroyed, shall be valued by such persons, and in such manner and form, as the respective commissioners of the customs in *England* and *Scotland*, or the major part of them, respectively, in cases of seizures made by the officers of the customs, and as the respective commissioners of excise in *England* and *Scotland*, or the major part of them respectively, in cases of seizures made by the officers of excise, shall direct; and that after such valuation, the same, or any part thereof, shall, at the discretion of the said respective commissioners, or the major part of them respectively, be either staved and destroyed, except in such cases where it shall appear, to the said respective commissioners of the customs and excise in *England* and *Scotland* respectively, or the major part of them respectively, that such condemned spirits are proper to be disposed of to or for any of the uses or purposes herein-after mentioned; that is to say, to or for the use of his Majesty's navy or army, or of the crews of ships or vessels employed in the service of the revenue of customs or excise, or of his Majesty's garrisons abroad, or for exportation to foreign parts, or for consumption on board of any ships or vessels going upon foreign voyages, in which two last mentioned cases, the same shall be shipped under the like security for the due exportation or consumption thereof respectively as aforesaid, as is required in the case of spirits which may be lawfully exported or shipped for consumption on shipboard, and shall be subject to re-seizure and re-condemnation in case of being relanded; and the persons relanding the same shall be subject to the like pains and penalties as they respectively would have been subject to for the same in case such spirits had been made, or originally intended and shipped for exportation or for consumption on shipboard, as aforesaid: provided always, That whenever it shall be judged expedient by the said respective commissioners that such spirits shall be sold for any of the purposes before mentioned, the said commissioners shall, and they are hereby required respectively to certify the facts and circumstances of the seizure and condemnation of such spirits, and the quantity thereof, with their opinion to or for which of the uses or purposes herein-before mentioned the same may be properly applied, unto the lord high treasurer, or lords commissioners of the treasury, or any three of them for the time being, who is and are hereby authorized and empowered, from time to time, to make such orders for the application or disposal thereof, to or for any of the said purposes, as they in their judgement shall think fit.

LXVII. And be it further enacted by the authority aforesaid, That upon the officer or officers who shall have seized

between Oct.
10, 1784, and
July 5, 1786.
Officers who
have made
any such seizures

to receive the following ſums, viz.

any ſuch arrack, rum, brandy, compounds, or other ſpirits, producing a ſatisfactory certificate or proof of the condemnation and valuation thereof, and of the ſecuring the ſame as aforeſaid, unto the ſaid reſpective commiſſioners, the ſaid reſpective commiſſioners are hereby authorized and required to direct the receiver-general of the cuſtoms, or the proper officers of exciſe, as the caſe may be, to pay to ſuch officer, within twenty days after producing ſuch certificate, out of any of the duties in their reſpective receipt or collection, the ſeveral ſums following; (that is to ſay),

For every gallon of arrack, French brandy, &c. of the ſtrength of one to ten over hydrometer proof, ss 6d.

For every gallon of other foreign brandy, &c. in proportion to its ſtrength, ss. 2d.

For every gallon of other ſpirits, ss.

For every gallon of arrack, cordials, or French brandy, of the ſtrength of one to ten over hydrometer proof, and ſo in proportion for any higher or lower degree of ſtrength, the ſum of two ſhillings and ſixpence:

For every gallon of other foreign brandy, or of foreign geneva, or rum, in proportion to the ſtrength thereof as aforeſaid, the ſum of two ſhillings and two-pence:

And for every gallon of other ſpirits, *British* or foreign, of what kind ſoever, in proportion to the ſtrength thereof as aforeſaid, the ſum of two ſhillings.

Which ſaid ſums ſhall be in lieu and ſatisfaction of all other rewards whatſoever (the charges of ſeizure, removal, and condemnation, only excepted), any law, ſtatute, or uſage, to the contrary notwithstanding.

Duties to be levied as former duties, and to be paid into the exchequer.

Appropriation of dut.

LXVIII. And be it further enacted by the authority aforeſaid, That all the monies ariſing from the ſaid rates and duties hereby impoſed, ſhall, from time to time, be raiſed, levied, collected, and paid, at ſuch time and times as the aforeſaid duties upon low wines and ſpirits, made for home conſumption, and hereby diſcontinued, have uſually been, or ought to have been, or are directed to be raiſed, levied, collected, or paid; and that all the monies whatſoever ariſing from the rates and duties hereby impoſed, ſhall be paid into the receipt of the exchequer by the commiſſioners of exciſe, and ſhall be appropriated and applied in manner following; that is to ſay, Five ſixth parts thereof, to and for the ſeveral and the ſame uſes and purpoſes as the ſaid rates and duties on low wines and ſpirits hereby diſcontinued, were by the ſeveral acts for granting, impoſing, and appropriating the ſame, directed to be appropriated and applied reſpectively; and the remaining part thereof ſhall be carried to and made part of the fund, commonly called *The Sinking Fund*, and ſhall be applicable to the ſame uſes and purpoſes as the ſaid ſinking fund is now applicable unto.

Proviſions of former acts extended to this.

LXIX. And be it further enacted by the authority aforeſaid, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, proviſions, clauses, matters, and things, which in or by any act or acts of parliament relating to the duties upon low wines and ſpirits for home conſumption, or to his Maſtey's duties of exciſe upon ſpirituous liquors

liquors or strong waters, in force at the time of passing of the said act, made in the twenty-fourth year of his said Majesty's reign, are contained, provided, settled, or established, for managing, assising, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the rates or duties thereby imposed, and for preventing, detecting, and punishing frauds relating thereto, not being expressly altered, repealed, changed or controlled by this act, or not being repugnant to any of the matters, clauses, provisions, or regulations in this act contained, shall be and continue in full force, and be duly observed, practised, applied, used, and put in execution throughout *England*, in and for the managing, assising, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several duties by this act imposed, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, had been expressly inserted and re-enacted in this act.

LXX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any matter or thing done by any officer or officers of the customs or excise, or any others acting in his or their aid, in the execution of, or by reason of his or their office, under the authority, or by colour of this act, such action or suit shall be brought or commenced within three months next after the cause of action shall have arisen, and not afterwards, and shall be laid in the county or place where the facts were committed, and not in any other county or place, unless otherwise directed by the special rule or order of the court wherein such action shall be depending, and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if, upon a verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedies for the same as any defendant or defendants can or may have in other cases.

General issue.

LXXI. And be it further enacted by the authority aforesaid, That if any distiller or maker, or distillers or makers, of low wines or spirits, or rectifier or compounder, or rectifiers or compounders of, or dealer or dealers in, spirits or strong waters, or any workman or servant belonging to him, her, or them, shall obstruct or assault, resist, oppose, molest, or hinder any officer or officers of excise in the due execution of the several powers and authorities given or granted to such officer or officers by this or any other act now in force, relating to distillers, rectifiers, or compounders of spirits, or to dealers in spirits or strong waters, every such distiller or maker, rectifier, compounder,

Persons obstructing officers in their duty, to forfeit a col.

pounder, or dealer shall, except in such cases for which any other penalty or penalties are herein-before directed, forfeit and lose, for every such offence, the sum of two hundred pounds.

How penalties are to be recovered and applied.

LXXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures imposed by this act shall be sued for, recovered, levied, and mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him, her, or them who shall discover, inform, or sue for the same.

Persons sued for penalties under this act, not liable to the penalties of former acts, &c.

LXXIII. Provided always, and be it further enacted, That no person, who shall be sued or prosecuted for any of the penalties or forfeitures imposed by this act, shall be liable to any penalty or forfeiture imposed for the same offence by any former act; nor shall any person who shall be sued or prosecuted for any penalty or forfeiture imposed by any former act, be liable to any penalty or forfeiture imposed for the same offence by this present act.

Act to continue in force for 2 years, from Aug. 1, 1786.

LXXIV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained, in respect whereof no special commencement is hereby directed or provided, from and immediately after the first day of August, one thousand seven hundred and eighty-six, and shall remain and continue in force, as to all such matters and things therein contained, in respect whereof it is not hereby otherwise directed, for the space of two years, to be computed from that day.

Act 24 Geo. 3. c. 46. repealed, except such parts as relate to lands of Ferintosh, arrears of duties, and penalties.

LXXV. And be it further enacted by the authority aforesaid, That the said act made in the said twenty-fourth year of the reign of his present Majesty, other than and except so much and such parts thereof as vest in his Majesty, or relate to or concern the duties of excise within the lands of Ferintosh, in the county of Inverness, or regard an exemption from the payment thereof, or the making of any contract, agreement, or trial, thereby authorized in respect to the said duties or exemptions; and also other than and except in respect to the arrears of any of the rates and duties in and by the said last-mentioned act charged, granted, or imposed, and which, at the commencement of this act, shall remain due and unpaid, or to any penalty or forfeiture, or penalties or forfeitures, incurred in respect thereof, or under or by virtue of the said act; and also except so far as the said last-mentioned act is not already repealed by any other act of the present session of parliament, shall be, and the same is, from and after the commencement of this act, repealed.

Act 19 Geo. C. 25; and

LXXVI. And whereas by an act made in the nineteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty additional duties on the produce of the several duties under the management of the respective commissioners of the

the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, was granted upon the produce and amount of all the several subsidies, imposts, and other duties, of what kind or nature soever they might be, which were then due and payable to his Majesty, and were collected in this kingdom, under the management and direction of the respective commissioners of the customs in Great Britain, for and upon any goods and merchandizes imported into or exported from, or carried coastwise into Great Britain; which said additional impost or duty was charged upon the amount of the said former subsidies, imposts, and other duties, after the usual discounts and other allowances had been made and deducted therefrom; and also an additional duty or charge of five pounds per centum was granted to his Majesty, upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein after is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners in England and Scotland: and whereas by another act, made in the twentieth year of his Majesty's reign, (intituled, An act ^{act 20 Geo. 3.} for granting to his Majesty additional duties upon malt, and upon ^{c. 5; and} low wines and spirits made for home consumption, and upon foreign spirits imported into Great Britain, and upon the produce of the said several duties; and for granting a duty on licences to be taken out by all persons trading in, vending, or selling of, coffee, tea, or chocolate), further rates and duties were granted and imposed, amongst other things, upon spirits imported into Great Britain, from parts beyond the seas, over and above all duties, charges, and impositions by any former act or acts of parliament thereupon set or imposed: and whereas by another act, made in the twenty-first year of his said Majesty's reign, (intituled, An act for granting ^{act 21 Geo. 3.} to his Majesty an additional duty upon the produce of the several ^{c. 17; and} duties under the management of the respective commissioners of the excise in Great Britain), a further additional duty or charge of five pounds per centum was granted and imposed upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in England and Scotland: and whereas by another act, made in the twenty-second year of his said Majesty's reign, (intituled An act for granting to his Majesty ad- ^{act 22 Geo. 3.} ditional duties upon the produce of the several duties under the ^{c. 68. recited;} management of the respective commissioners of the customs and excise in Great Britain), a further additional duty or charge of five pounds per centum was granted to his Majesty upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in England and Scotland: and whereas it is expedient to suspend the several additional imposts, rates, and duties by the said several acts made in the nineteenth, twentieth, twenty-first, and twenty-second years of his said Majesty's reign, imposed upon rum and upon other spirits imported into Great Britain from his Majesty's sugar

and the additional duties thereby impoſed on rum and ſpirits from the Weſt Indies, ſuſpended for 2 years.

ſugar plantations in the Weſt Indies, be it therefore enacted, That the ſeveral additional rates and duties in and by the ſaid acts of the twentieth of his preſent Maſteſty's reign, granted and impoſed upon rum and ſpirits imported into *Great Britain*, being the produce, production, and manufacture of the *British ſugar iſlands*, or ſugar plantations, in the *Weſt Indies*; and alſo the ſeveral and reſpective additional impoſts, duties, or charges, after the rate of five pounds *per centum*, impoſed and granted in and by the aforeſaid three ſeveral acts, made in the nineteenth, twenty-ſiſt, and twenty-ſecond years of his Maſteſty's reign, upon rum and ſpirits of the growth, produce, and manufacture aforeſaid, imported into this kingdom; and all penalties and forfeitures in reſpect of the ſaid additional impoſts, duties, or charges thereby impoſed upon the rum and ſpirits aforeſaid reſpectively, ſhall be, and the ſame are hereby ſuſpended for the term of two years, to be computed from the ſiſth day of *July*, one thouſand ſeven hundred and eighty-ſix; but that ſuch ſuſpenſion ſhall not extend to or affect any of the arrears of the ſaid additional impoſts, rates, or duties, or any of them, now remaining due and unpaid, or any penalty or forfeiture, or penalties or forfeitures, incurred in reſpect thereof.

F O R M of the E N T R Y:

For a *Corn Diſtiller*.

I *A. B.* of _____ ſtreet, in the pariſh of _____ diſtiller, do hereby revoke all former entries by me made, and do make entry of the under-mentioned utenſils for preparing and diſtilling waſh from corn and grain; *viz.*

- One copper, for preparing and brewing worts.
- One maſh tun, for maſhing grain.
- One under back, for receiving worts from the maſh tun.
- Six coolers, for cooling worts.
- One tub back, for making and keeping bub.
- Ten waſh backs, for fermenting and keeping waſh.
- One jack back, for receiving waſh from the waſh backs to be pumped into the waſh ſtill.
- One ſtill for diſtilling waſh into low wines.
- One ſtill for diſtilling low wines into ſpirits.
- One low wine caſk, for receiving low wines from the waſh ſtill.
- One ſpirit caſk, for receiving ſpirits from the low wine ſtill; and one teint caſk, for receiving and keeping ſeints.

All theſe utenſils are ſituate in my diſtill houſe in _____ ſtreet aforeſaid, and this entry is for home conſumption, (or exportation, as the caſe may require).

Witness.

1786. Anno viceſimo ſexto GEORGI III. c. 74.

749

Witness my hand, this day of
One thousand

A. B.

Witness

C. D.

E. F.

For a *Melasses Distiller, Rectifier, or Compounder.*

I A. B. of street, in the parish of distiller, do hereby revoke all entries by me made, and do make entry of the under-mentioned utensils for preparing, fermenting, and distilling wash from melasses or sugar; *videlicet*;

Fourteen wash backs, for fermenting and keeping wash.
One jack back, for receiving wash from the wash backs to be pumped into the wash still.

Four stills for distilling; *videlicet*;
One of those stills for distilling wash into low wines.
Another still for distilling low wines into spirits.
Also all the four stills for rectifying and compounding spirits.
One low wine cask, for receiving low wines from the wash still.

One spirit cask, for receiving spirits from the low wines still; and one feut cask, for receiving and keeping feints.

All these utensils are situate in my distill house in street aforesaid, and this entry is for home consumption (or exportation, as the case may require).

Witness my hand, this day of 178
A. B.

Witness

C. D.

E. F.

C A P. LXXIV.

An act for granting to his Majesty additional duties upon sweets, and for ascertaining the duties upon licences to be taken out by persons dealing in sweets.

From July 15, 1786, an additional duty of 6s. per barrel to be paid for sweets made from foreign fruit or sugar, or mixed with any other ingredients called Sweets or Made Wines. Additional duties to be paid as former duties are. Additional duty to be chargeable with the five per cents. &c. granted by act 19 Geo. 3. c. 25; and act 21 Geo. 3. c. 17; and act 22 Geo. 3. c. 66. Duties to be paid to the commissioners of excise and by them into the exchequer weekly, and carried to the sinking fund. Act 9 Annæ, c. 23; and act 30 Geo. 2. c. 19; and act 31 Geo. 2. c. 31. recited. From July 5, 1786, licences for selling sweets by retail may be granted to persons not having a spirituous liquor or ale licence, on a stamp of 2l. 4s. each. Former provisions relating to stamps of wine licences extended to this act, where not hereby altered. Licences

cences to contain, and dealers to exhibit on their houses, the names of the several Dealers in British Wines. Licence duties to be applied as formerly with licence duties are.

C A P. LXXV.

An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of East Florida to the king of Spain.

Preamble.

WHEREAS by the fifth article of the definitive treaty of peace, concluded at Versailles, on the third day of September, one thousand seven hundred and eighty-three, between your Majesty and his most catholic majesty the King of Spain, it was agreed that the province of East Florida, which was, at the time of concluding such treaty, in your Majesty's allegiance, should be ceded and guaranteed in full right to his most catholic Majesty: and whereas divers of your Majesty's faithful subjects have suffered in their rights and properties in consequence of such cession, and have sustained great losses thereby, your faithful commons, being desirous that a diligent and impartial enquiry should be made into the losses of such persons as may apply in the manner and within the time herein-after mentioned, and into such circumstances as may be material to their respective claims, do therefore pray your majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That colonel Nesbit Balscur, and John Spranger esquire, shall be, and they are hereby constituted commissioners for enquiring into the respective losses of all such persons who have suffered in their rights and properties, in consequence of the cession of the said province, and into such circumstances as may be material to their respective claims.

Commissioners appointed to enquire into losses,

and to take the following oath.

II. And be it further enacted, That the commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they, or either of them, are hereby authorized and required to administer), in the form following; that is to say,

The oath.

IA. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, intitled, An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of East Florida to the King of Spain, according to the tenor and purport of the said act.

Commissioners to examine persons upon oath.

III. And be it further enacted, That it shall and may be lawful to and for the said commissioners, and they are hereby authorized, impowered, and required to examine, upon oath, (which

(which oath they are hereby authorized to administer), all persons whom the said commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this act, and all such persons are hereby directed and required punctually to attend the said commissioners at such time or place as they shall appoint.

IV. And be it enacted by the authority aforesaid, That the said commissioners are hereby authorized to meet and sit, from time to time, at the office of the late secretary of state, or any other place, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners are hereby authorized to appoint and employ such clerks, messengers, and officers, as they shall think meet, which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners shall think fit to direct and appoint in that behalf.

V. And be it enacted by the authority aforesaid, That if it shall appear to the said commissioners that any person shall have delivered to them an account or claim beyond the real loss, with a fraudulent intent to obtain more than a just compensation, the said commissioners shall, with all convenient dispatch, report such account or claim, with the evidence taken thereupon, to the commissioners of his Majesty's treasury, who are hereby authorized to make such further enquiry upon the case as they shall think proper; and if they, or any three of them, shall be of opinion that such account or claim is fraudulent, then such person shall be absolutely excluded from any compensation or provision whatsoever.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

VII. And whereas several proprietors of East Florida, and the agents of several other proprietors of the said province, respectively intitled to the benefit of this act, are resident in the Bahama Islands, and other of his Majesty's colonies in America: and whereas it may be attended with great inconvenience to such persons to come to Great Britain to substantiate their respective claims, or to give their evidence in support of the claims of other proprietors for whom they have acted as agents, be it therefore enacted, That the governor, *Governors,* Vol. XXXV. D d d lieutenant &c. of the

Bahama
Islands, or
British colo-
nies in Ame-
rica, to exa-
mine into the
oaths of reli-
gious parties,
and to report
thereupon to
the commis-
sioners.

lieutenant governor, or commander in chief, and council, for the time being, of any such island or colony, shall, and they are hereby directed and required to enquire into the losses of all and every such person or persons, and to examine all and every such agent or agents as may repair to them for that purpose upon oath, which oath the said governor, lieutenant governor, or commander in chief, or any member of the council for the time being, is hereby authorized and empowered to administer; and such governor, lieutenant governor, or commander in chief, and council, for the time being, are hereby invested with the same powers and authorities for enquiring into such claims as the commissioners appointed by this act are invested with, and they are hereby directed to proceed immediately on all and every such claim or claims, examination or examinations, when tendered to them, and to report from time to time, by the first opportunity in their power, their opinion or opinions on all and every such claim or claims, with the evidence on which such opinion or opinions was or were formed, and also to report, from time to time, the evidence of all and every such agent or agents to the commissioners appointed by this act, in order that all and every such claim or claims may be ultimately judged of and decided upon by such commissioners, and be inserted by them amongst the claims to be laid before the lords commissioners of the treasury, or the lord high treasurer, for the time being, and his Majesty's secretaries of state.

Persons giv-
ing false evi-
dence before
the governor,
&c. to be
deemed guilty
of perjury.

VIII. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said governor, lieutenant governor, or commander in chief, and council, for the time being, as before mentioned, shall wilfully and corruptly give false evidence, every such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

No claim to
be received in
Britain after
Jan. 1, nor in
the Bahama
Islands, &c.
after March
1, 1787.

IX. And be it further enacted, That no claim or request of any person or persons for aid or relief, on account of the loss of any property in consequence of such cession, shall be received, in Great Britain, after the first day of January, one thousand seven hundred and eighty-seven, or in the Bahama Islands, or any other of his Majesty's colonies in America, after the first day of March, one thousand seven hundred and eighty-seven.

Commis-
sioners to give an
account of
their proceed-
ings to the
treasury, and
the secretaries
of state.

X. And be it further enacted, That the said commissioners shall from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of state for the time being.

Treasury may
order 1,000l.

XI. And be it further enacted, That the lords commissioners,

of the treasury, or lord high treasurer, for the time being, are hereby authorised and required to issue, and cause to be paid, all such sums of money, not exceeding one thousand pounds, to such person or persons as the said commissioners shall by writing under their hands desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer, which sum so issued and paid shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner and in such proportions as shall be appointed by the said commissioners, by writing under their hands and seals in that behalf, the time to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken on the passing of the said accounts, other than such sum as the said commissioners shall appoint.

to be issued
for payment
of clerks, &c.

XII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper, to supply such vacancy or vacancies, and that every person so nominated and appointed shall be held and considered to be invested with all and the same powers as are delegated to the commissioners appointed by this act.

His Majesty
to nominate
commission-
ers as vacan-
cies hap pen.

XIII. And be it further enacted, That this act shall continue in force for two years from the passing of this act, and no longer.

Continuance
of this act.

C A P. LXXXVI.

An act for repealing so much of two acts, passed in the fourteenth and twenty first years of the reign of his present Majesty, as prohibits the exportation of wool cards of a limited price.

14 Geo. 3. c. 71; and 21 Geo. 3. c. 37. recited. Such parts thereof, as prohibit the exportation of wool cards of 4s. per pair, and spinners' cards of the value of 1s. 6d. per pair, repealed.

C A P. LXXXVII.

An act to limit a time for the repayment of the duties on male servants and carriages by the commissioners of excise; and also on horses, waggons, wains, and carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

WHEREAS by an act, made in the last session of parliament, Preamble. (intituled, An act to repeal the duties on male servants, 25 Geo. 3. c. and for granting new duties on male and female servants), it 43; and was enacted.-That all persons who, previously to the fifth day of July, one thousand seven hundred and eighty-five, should have paid duties on male servants, by that act repealed, for any part of the three quarters of a year for which the first assessment on male servants under that

25 Geo. 3.
c. 47 recited
in part.

act was thereby directed to be made, or their respective executors or administrators, should, after paying the said first assessment, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any money which should have been paid into, or be in their hands, such a proportion of the repeated duties on male servants so already paid to the said commissioners of excise, or their officers, as should be necessary to prevent a double payment of the said duties, in respect of such male servants, for the said three quarters on the said first assessment, or for any part thereof: and whereas by another act, made in the last session of parliament, (intituled, An act for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred), it was enacted, That all persons who, previously to the fifth day of July, one thousand seven hundred and eighty-seven, should have paid the duties on carriages in that act mentioned in that behalf, for any part of the three quarters of a year for which the first assessments under that act were thereby directed to be made, should, after paying the said first assessments, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any monies which should have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of excise as should be necessary to prevent a double payment of the said duties for the said three quarters on the said first assessments, or for any part thereof: and whereas it is expedient that a limited time should be prescribed, within which, all and every repayment, in respect to the said duties on male servants, and on carriages, heretofore under the management of the commissioners of excise, shall be demanded: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person having a right, according to the acts aforesaid, or either of them, to any repayment in respect of the said duties on male servants, or of the said duties on carriages, heretofore under the management of the commissioners of excise, shall make demand of such repayment before the fifth day of July, one thousand seven hundred and eighty-seven, from the commissioners of excise, if such person demanding such repayment had before paid such respective duty at the chief office of excise in London, or from the collector of excise within whose collection such person demanding such repayment had before paid such respective duty; and that no repayment shall be made to any person or persons in respect of such duties on male servants, or of such duties on carriages, heretofore under the management of the commissioners of excise, that shall not be demanded as aforesaid before the said fifth day of July, one thousand seven hundred and eighty-seven.

No demands for repayment of duties, under the recited acts, to be satisfied, unless made to the excise before July 5, 1787.

23 Geo. 3.
c. 66; and

II. *And whereas, by an act made in the twenty-third year of his present Majesty's reign, (intituled, An act for granting to his Ma-
jesty*

jectly several rates and duties upon waggons, wains, carts, and other such carriages, not charged with any duty under the management of the commissioners of excise), it was enacted, That, from and after the first day of November, one thousand seven hundred and eighty three, there should be paid unto his Majesty, his heirs and successors, certain duties therein mentioned: and whereas, by another act, made in the twenty-fourth year of his present Majesty, for granting certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable, it was enacted, That, from and after the twenty-ninth day of September, one thousand seven hundred and eighty-four, there should be paid unto his Majesty, his heirs and successors, certain duties therein mentioned; and the said two several duties were placed under the management of the commissioners of stamps: and whereas, by an act made in the last session of parliament, (intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties to be transferred), it was enacted, That all persons who, previously to the fifth day of July, or tenth day of October, one thousand seven hundred and eighty-five, should have paid the said duties on carriages, and on horses, in that act mentioned, for any part of the three quarters of a year for which the first assessments under that act were thereby directed to be made, should, after paying the said first assessments, have a right to receive back from the commissioners of stamps, or any officer or officers appointed by them, out of any monies which should have been paid into, or be in their hands, such a proportion of the duties so added to the said commissioners of stamps as should be necessary to prevent a double payment of duties for the said three quarters, or half year, in the said first assessments, or for any part thereof: and whereas it is expedient that a limited time should be prescribed, within which all and every repayment, in respect to the said recited duties under the management of the commissioners of stamps, shall be demanded; be it therefore enacted, That every person having a right to any repayment, in respect of the said recited duties under the management of the commissioners of stamps, shall make demand of such repayment before the fifth day of July, one thousand seven hundred and eighty-seven, from the commissioners of stamps, if such person demanding such repayment had before paid such respective duty at the head office of stamps in London, or from the distributor of stamps, or their sub-distributors, in the several counties, districts, or divisions, within which such person demanding such repayment had before paid such respective duties, and that no repayment shall be made thereon that shall not be demanded, as aforesaid, before the said fifth day of July, one thousand seven hundred and eighty-seven.

III. And whereas, by another act made in the seventeenth year of his present Majesty's reign, (intituled, An act for granting to his Majesty a duty upon all servants retained or employed in the

24 Geo. 3.
c. 31; and

25 Geo. 3.
c. 47. recited
in part.

No demand
for repay-
ment of du-
ties, under
the three last
recited acts,
to be satisfied,
unless made
to the stamp
office before
July 5, 1787.

27 Geo. 3.
c. 39. recited
in part.

ſeveral capacities therein mentioned; and for repealing ſeveral rates and duties upon glaſs, impoſed by an act made in the nineteenth year of the reign of his late Maſteſty, and for granting to his Maſteſty other rates and duties upon glaſs in lieu thereof; and for the better collecting the duties upon glaſs; and for repealing the ſeveral rates and duties charged, by an act made in the twenty-ninth year of the reign of his ſaid late Maſteſty, upon all perſons and bodies poliſtick and corporate having certain quantities of ſilver plate); *certain drawbacks or allowances in the ſaid act particularly mentioned, were directed to be paid or allowed to the perſons or their agents exporting the ſeveral and reſpective ſpecies of glaſs, in the ſaid act particularly mentioned, to foreign parts by way of merchandize, in the manner, and under the regulations in and by the ſaid act particularly preſcribed: and whereas great inconvenience has ariſen from the regulations preſcribed in that act, for the obtaining the drawbacks or allowances, in the ſaid act particularly mentioned, on the exportation of ſuch glaſs to foreign parts by way of merchandize; for remedy whereof, be it enacted by the authority*

From Aug. 1,
1786, glaſs
may be ex-
ported on the
conditions
herein ſpeci-
fied.

That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-fix, it ſhall be lawful for any perſon or perſons who ſhall have actually paid all his Maſteſty's duties, by any act or acts of parliament payable for, or in reſpect of, any quantity of glaſs whatſoever made from any of the materials thereby reſpectively charged, and to and for any other perſon or perſons who ſhall buy or be lawfully intitled to any ſuch quantity of glaſs from the ſaid perſon or perſons who actually paid his Maſteſty's duties for the ſame, to export from any lawful quays, and in the lawful manner, any ſuch glaſs, for which all the duties ſhall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, herein-after mentioned, that is to ſay; the perſon or perſons intending to export any ſuch glaſs, ſhall give twelve hours notice within the limits of the chief office of exciſe in London, and twenty-four hours notice in other places in Great Britain, of his, her, or their intention to pack up, in order to be exported, any ſuch glaſs, and of the time and place when and where the ſame is intended to be packed up, to the officer or officers of exciſe, who ſhall be appointed for that purpoſe by the reſpective commiſſioners of exciſe in England and Scotland; and ſuch officer or officers ſhall attend to ſee ſuch glaſs packed up, and the ſame ſhall be packed up in the preſence of ſuch officer or officers, and ſhall be ſecured with ſuch faſtenings, and ſealed with ſuch ſeal or mark, or ſeals or marks, and in ſuch manner, as the ſaid reſpective commiſſioners ſhall direct; and if any perſon ſhall open ſuch package, or wilfully deſtroy or deſace ſuch ſeal or mark, or ſeals or marks, (ſave and except the officer of exciſe at the port of exportation, as herein-after mentioned), every perſon ſo offending ſhall forfeit and loſe the ſum of twenty pounds for every ſuch offence, and the officer or officers who ſaw the ſaid glaſs packed up ſhall take an account of the kind and quantities of the ſaid glaſs ſo intended to be exported.

Perſons open-
ing packages
after being
ſealed by the
officer, to
forfeit 20l.

exported, and make a return thereof to the officer who shall be appointed by such commissioners, or the major part of them, to receive the same at the port of exportation, without any fee or reward for so doing: provided always, That if the person or persons, so intending to pack up such glafs, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void; and such person or persons, so intending to pack up such glafs, shall be obliged to give a fresh notice to such officer or officers, of the time and place when and where such glafs is intended to be packed up in order to be exported; and the person or persons, so intending to export such glafs, shall also give six hours notice of the time and place of shipping such glafs, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said glafs shall also, before the shipping the same, give sufficient security, to be approved by the respective commissioners of excise, or any one or more of them, or the person appointed by them, or the major part of them respectively, for that purpose, in treble the value of the duty intended to be drawn back, that the particular quantity of glafs so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unloaded, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said glafs shall be exported is hereby directed to take, in his Majesty's name, and to his Majesty's use; and the said exporter shall make oath, that he believes the duties upon the materials whereof such glafs is made had been fully paid, and that such glafs is the same that is described in the account sent as aforesaid by the officer in whose presence the same was packed, to the officer attending the shipping (which oath the surveyor or supervisor, or other officer appointed by the said respective commissioners, or the major part of them, for that purpose, is hereby authorized to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said glafs, being satisfied of the truth thereof, shall, within one month after the exportation of the said glafs, give to the exporter, or his, her, or their clerk or manager, a certificate or debenture, expressing the quantities and kinds of such glafs so shipped, and that all the duties have been paid in respect of the same, and that security hath been given before the shipping the same, for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the said glafs was exported, he shall forthwith pay or allow the persons so exporting the same, or their agent, such drawback or allowance as by the said act, made in the seventeenth year of his present Majesty's reign, is given or allowed upon the exportation to foreign parts, by way of merchandize, of the several and respective species of glafs in the said act mentioned; and if such collector

If packing is not begun in an hour after notice, a fresh notice must be given.

Notice also to be given of the time of shipping,

and security, that the glafs shall not be reloaded in Britain, &c.

Certificate to be given by the officer, which is to entitle the exporter to the drawback.

lector shall not have money in his hands to pay the same when the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of the duties upon materials used in the making glafs.

Officers may
examine
packages.

IV. Provided always, That it shall be lawful for the officer attending the shipping fuch glafs, if he thinks it neceffary, to open or examine fuch glafs at the port of exportation, in order that he may be fatisfied that fuch glafs is the fame that is described in the account fent to him by the officer in whose pre- fence the said glafs was packed: provided alfo, That it alter the shipping any fuch glafs, and the giving fuch fecurity as afore- said, in order to obtain a drawback or allowance of the duties before paid in refpect thereof, the fame glafs, or any part there- of, shall be unshipped, unladed, or laid on land, or put into any other fhip or vefsel within *Great Britain* (fhipwreck, or other unavoidable accident, excepted), that then, and in every fuch cafe, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's ufe, all the said glafs which shall be fo unshipped, unladed, or laid on land, or put into any other fhip or vefsel within *Great Britain* (fhipwreck, or other unavoidable accident, excepted), or the value thereof, shall be forfeited, and may be feized by any officer of the cus- toms or excife.

If glafs be re-
landed, to be
forfeited.

21 Geo. 3. c.
24, recited in
part.

V. And whereas by an act made in the twenty first year of his prefent Majesty's reign, (intituled, An act for repealing the pre- fent duties upon paper, pafteboards, millboards, and feale- boards, made in *Great Britain*, and for granting other duties in lieu thereof), it was enacted, That the officer attending to charge the duties upon paper, fhould stamp or mark each and every ream and bundle of paper, by affixing thereon fuch mark, ftamp, impreffion, or device, as the refpective commiffioners of excife fhould direct or appoint for that purpose: and whereas by the said act, a drawback of the duties, by the said act granted, is allowed upon the exportation of paper to any parts beyond the feas by way of merchantize: and whereas alfo by the said act it is provided, that if, after the shipping of any fuch paper, and the giving or tendering fuch fecurity as is by the said act required, in order to obtain the drawback therein mentioned, the fame, or any part thereof, fhould be relanded in any part of *Great Britain*, that then, and in every fuch cafe, over and above the penalty of the bond, which shall be recovered and levied to his Majesty's ufe, all the said paper which shall be fo relanded, or the value thereof, fhould be forfeited: and whereas it might tend to prevent the relanding fuch paper in *Great Britain*, if the marks, ftamps, impreffions, or devices, denoting the charging the duties upon fuch paper, were to be taken off from every bundle or ream of paper intended to be exported before the fame fhould be packed up in order to be exported: be it therefore enacted by the authority aforesaid, That, from and after the first day of *Auguft*, one thoufand feven hundred and eighty-fix, it shall be lawful for the officer of ex- cife, who shall attend to fee fuch paper packed up in order to be exported, and he is hereby required to take off, or caufe to be

Stamps de-
noting pay-
ment of du-
ties to be
taken off pa-

be

be taken off, or to ſee taken off, all and every the marks, ſtamps, impreſſions, or devices affixed on every ream or bundle of ſuch paper intended to be packed up in order to be exported, from every ream or bundle of ſuch paper before the ſame is packed up in order to be exported; and if any perſon or perſons ſhall wilfully hinder or obſtruct ſuch officer in the taking off, or cauſing to be taken off, any ſuch mark, ſtamp, or impreſſion, or device, or marks, ſtamps, impreſſions, or devices, from any ream or bundle of paper ſo intended to be packed up in order to be exported, he, ſhe, or they ſo offending ſhall, for every ſuch offence, forfeit and loſe the ſum of fifty pounds.

per on ex-
portation, and
perſons ob-
ſtructing offi-
cers in taking
them off, to
forfeit 50l.

VI. *And whereas by another act, made in the laſt ſeſſion of parliament, (intituled, An act for repealing the duty impoſed on tea by an act paſſed in the laſt ſeſſion of parliament, and for granting other duties in lieu thereof, for repealing ſo much of ſeveral acts as relates to the removal of tea; for directing the officers of exciſe to examine and certify the exportation of exciſeable commodities; and for better ſecuring the duties on candles); it was enacted, That every chandler or maker of candles, before he, ſhe, or they ſhould begin to work upon or make any courſe or making of candles whatſoever, ſhould give to the officer of the diviſion or place where ſuch candles were intended to be made, notice in writing of the particular time and hour when he or ſhe ſhould intend to begin to ſpread cottons, wicks, or ruſhes, for any ſuch courſe or making of candles; and alſo the hour and time when he or ſhe ſhould intend to begin to run in or dip any ſuch cottons, wicks, or ruſhes, in ſuch manner as is by the ſaid act directed: and whereas chandlers do ſometimes, after having given ſuch notice as by the ſaid act is required, and after beginning to ſpread cottons, wicks, or ruſhes, leave off and diſcontinue for long intervals of time to ſpread cottons, wicks, or ruſhes, for the ſame courſe or making of candles, and thereby not only harras the officers of exciſe ſurveying ſuch chandlers unneceſſarily, but alſo get many opportunities of making candles privately and unknown to ſuch officers, and thereby of defrauding his Majeſty of his juſt duties; for remedy thereof, be it enacted by the authority aforeſaid, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-fix, when any chandler or maker of candles, after having given ſuch notice as by the ſaid act is required, ſhall have begun to ſpread cottons, wicks, or ruſhes, for any courſe or making of candles (other than mould candles), ſuch chandler or maker of candles ſhall proceed and continue, without delay or interruption to ſpread all the cottons, wicks, and ruſhes reſpectively intended to be uſed in the ſame courſe or making of candles, until he, ſhe, or they ſhall have finiſhed the ſpreading of all ſuch cottons, wicks, and ruſhes reſpectively; and the hour and time for beginning to run in or dip ſuch cottons, wicks, and ruſhes reſpectively, whereof ſuch notice ſhall be given (as by the ſaid act is required), ſhall not be more than five hours after the beginning to ſpread ſuch cottons, wicks, and ruſhes reſpectively, whereof ſuch notice ſhall be given as by the ſaid act is required; and every chandler or maker of candles,*

25 Geo. 3. c.
74. recited in
part.

Chandlers
having begun
to ſpread
wicks, muſt
proceed till all
for the courſe
are finiſhed,
and muſt be-
gin to dip, in
five hours
after begin-
ning to ſpread.

and continue to dip till the course is finished, on penalty of 50*l.* for failure in either case.

candles, from and after the said first day of *August*, one thousand seven hundred and eighty-six, shall actually begin to run in or dip such cottons, wicks, and rushes within five hours after he, she, or they shall have begun to spread such cottons, wicks, or rushes, and shall continue to run in or dip such cottons, wicks, and rushes respectively, after he, she, or they shall have so begun to run in or dip, without interruption, until such course or making of candles shall be finished; and if any chandler or maker of candles, after having given such notice as by the said act is required, and after having begun to spread cottons, wicks, or rushes, for any course or making of candles (other than mould candles), shall not proceed and continue, without delay or interruption, to spread all the cottons, wicks, or rushes, intended to be used in that course or making of candles, until he, she, or they shall have finished the spreading of all such cottons, wicks, or rushes, he, she, or they shall have intended to be used, or which shall be used in such course or making of candles, or shall not actually begin to run in or dip such cottons, wicks, and rushes respectively, within five hours after he, she, or they shall have begun to spread cottons, wicks, or rushes, or shall not continue to run in or dip such cottons, wicks, or rushes, after he, she, or they shall have begun to run in or dip such cottons, wicks, or rushes, without interruption, until such course or making of candles shall be finished, every chandler or maker of candles so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

If notice specifies more than five hours after beginning to spread, from the commencement of dipping, to be void.

VII. And be it further enacted by the authority aforesaid, That if in any such notice, as is by the said act required to be given, the hour or time for beginning to run in or dip any cottons, wicks, or rushes, shall be specified to be more than five hours after the time specified in such notice for beginning to spread cottons, wicks, or rushes, such notice shall be of no effect, but be null and void, to all intents and purposes whatsoever, and the chandler or maker of candles giving the same shall be subject and liable to all the same fines, penalties, and forfeitures, as he, she or they would have been if no notice whatsoever had been given.

Preamble.

VIII. And whereas many traders, subject to the survey of the officers of excise and inland duties respectively, are severally required, by the laws concerning the duties under the management of the commissioners of excise, to keep just and sufficient scales and weights at the place or places wherein they carry on their respective trades, to be used in taking the account of the stocks of such traders, who are by the said laws respectively required to be aiding and assisting such officers in taking such account: and whereas it frequently happens that evil disposed persons, who are subject to such survey as aforesaid, have frequently hindered and prevented such officers from taking a just and true account of such stock, by concealing heavy or other substances in the commodities belonging to and part of such stock so to be weighed and taken account of by such officers, or by some art, device, or contrivance have prevented and hindered the said officers from taking such

such account by the means aforesaid, although the scales and weights have been in themselves just and sufficient; for remedy whereof, be it enacted by the authority aforesaid, That if, at any time or times after the first day of August, one thousand seven hundred and eighty-six, any trader or traders, subject to the survey of any officer or officers of the excise, or inland duties, and who is or are required, by any law or laws relating to the duties of excise, or other duties under the management of the commissioners of excise, to keep just scales and weights, shall, before or after, or in the weighing of his, her, or their stock, or any part thereof, put or suffer, or cause or procure to be put any other substance into the commodity or stock so to be weighed, whereby such officer or officers might be hindered or prevented from taking a just and true account of such stock, as is directed and prescribed by the several acts of parliament in that case made and provided, or shall forcibly obstruct or hinder, or shall, by any art, device, or contrivance, prevent or impede such officer, or procure or suffer him to be prevented or impeded in taking such just and true account of such stock or commodities as aforesaid, the party offending therein shall, for every such offence, forfeit and lose the sum of one hundred pounds.

Persons using any art to deceive officers in taking the weight of stocks, &c. to forfeit 100l.

IX. And whereas by an act made in the nineteenth year of his present Majesty's reign, (intituled, An act for the more effectual preventing the pernicious practices of smuggling in this kingdom, and for indemnifying persons who have been guilty of offences against the laws of the customs and excise, upon the terms therein mentioned), it was enacted, That in all cases where the officers of customs or excise should discover and find, on board any ship or vessel coming and arriving from foreign parts, within the limits of any of the parts of this kingdom, more than one hundred pounds weight of tea, not being in the ships belonging to or employed by the united company of merchants of England trading to the East Indies, or more than one hundred gallons of foreign brandy, or of other foreign spirituous liquors, over and above the quantity of two gallons for every seaman then belonging to and on board such ship or vessel, and being in casks under sixty gallons, the master, or other person having or taking the charge of such ship or vessel, should forfeit the sum of three hundred pounds; and that it should and might be lawful, in such case, for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, and they and each of them was and were thereby authorised to arrest, take, and detain the said master, or other person so having the charge or command of such ship or vessel, and to carry and convey the person so taken before any one of his Majesty's justices of the peace residing near to the place where such ship or vessel should then be, or where such person should be arrested and taken, and the person so carried and conveyed should be obliged to enter into a recognizance, as in the said act is directed: and whereas it has been found by experience, that the single recognizance of the person directed by the said act to enter into the same is ineffectual to answer the good purposes by the said act intended; be it therefore enacted by the authority aforesaid,

A. 19 Geo. 3. c. 69, part recited relative to recognizances to be entered into by masters of ships discovered to have had on board a larger quantity of tea, etc than is permitted:

That,

ſuch maſters
to enter into a
recognizance
with one ſuf-
ficient ſecuri-
ty, for 300l.
to enter ap-
pearance to
informations,
and reſuſing
ſo to do, to be
imprifoned.

That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-fix, every perſon ſo carried and conveyed before any one of his Maſteſty's juſtices of the peace, according to the direſtions in the ſaid in part recited claufe, ſhall be obliged to enter into a recognizance to his Maſteſty, his heirs and ſucceſſors, before ſuch juſtice, with one other ſufficient ſurety, to be approved of by ſuch juſtice, in the ſum of three hundred pounds, (which recognizance ſuch juſtice is hereby required to take), with condition to enter an appearance in the courts of exchequer in *England* and *Scotland* reſpectively, within the firſt four days of the term next enſuing ſuch arreſt, to any information which ſhall or may be exhibited againſt him; and ſuch juſtice ſhall and is hereby required forthwith to tranſmit every ſuch recognizance to the King's remembrancer in ſuch of the ſaid reſpective courts; and if ſuch perſon ſhall reſuſe to enter into ſuch recognizance as aforeſaid, then ſuch juſtice ſhall commit ſuch perſon to the next county gaol, there to remain until he ſhall enter into ſuch recognizance.

Perſons ha-
ving in poſſeſ-
ſion *Britiſh*
ſpirits, etc. for
which the du-
ties have not
been paid,
forfeit the
ſame and tre-
ble the value.

X. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-fix aforeſaid, knowingly receive, buy, or have in his, her, or their cuſtody or poſſeſſion, any *Britiſh* ſpirits, ſoap, or candles, after the ſame ſhall be removed from the reſpective places where the ſame were made or manufactured, and where the ſame ought to have been charged with the duties payable in reſpect thereof, before the ſaid duty or duties, to which the ſame ſhall be liable, have been charged, or before ſuch *Britiſh* ſpirits, ſoap, or candles, have been lawfully condemned as forfeited, the perſon or perſons offending therein, whether he, ſhe, or they have or have not, or do or do not claim or pretend to have, any property or intereſt therein, ſhall, for every ſuch offence, forfeit and loſe all ſuch *Britiſh* ſpirits, ſoap, and candles ſo received, bought, or had in his, her, or their cuſtody or poſſeſſion, and treble the value thereof.

Value to be
eſtimated at
the price of
the beſt arti-
cles of the
ſort.

XI. And be it further enacted and declared, That the value of ſuch *Britiſh* ſpirits, ſoap, and candles reſpectively ſo forfeited ſhall, from time to time, be deemed and taken to be according to, and at the rate and rates, price and prices, as the beſt goods, wares, merchandizes, and commodities of the like ſorts, kinds, and denominations, do or ſhall bear and ſell for in *London*, at the time when ſuch penalty ſhall be incurred.

Proof to be
admitted of
officers being
authorized to
act, without
producing
the particu-
lar appoint-
ments.

XII. And be it further enacted by the authority aforeſaid, That if, upon the trial of any indiſtment, information, action, ſuit, or proſecution whatſoever, or in any proceedings relative thereto, any queſtion ſhall ariſe, whether any perſon be an officer of any branch of his Maſteſty's revenues, or commiſſioned or deputed to act as ſuch, proof ſhall and may be made and admitted, that ſuch perſon was reputed to be or had as ſuch exerciſed ſuch office, or acted under ſuch commiſſion or deputation, at the reſpective time and times when the matter or matters in controverſy upon ſuch trial or trials, or other proceedings,

ceedings, ſhall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular commiſſion, deputation, or other authority whereby ſuch officer was conſtituted and appointed; and that in every ſuch caſe ſuch proof ſhall be deemed and taken, by all judges, juſtices, or commiſſioners, before whom any ſuch trial or proceeding ſhall be had, to be good and legal evidence, unleſs by other evidence the contrary ſhall be made to appear; any law or uſage to the contrary thereof notwithstanding.

XIII. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-ſix, it ſhall not be lawful for any perſon or perſons whatſoever to commence, proſecute, enter, or file, or cauſe or procure to be commenced, proſecuted, entered, or filed, any action, bill, plaint, or information, or actions, bills, plaints, or informations, in any of his Maſteſty's courts, againſt any perſon or perſons, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, made or incurred by virtue of any act or acts now in force, or hereafter to be made, relating to either of his Maſteſty's revenues of cuſtoms or exciſe, unleſs the ſame be commenced, proſecuted, entered, or filed, in the name of his Maſteſty's attorney general, or in the name or names of ſome officer or officers of ſome or one of his Maſteſty's ſaid revenues; and if any action, bill, plaint, or information, actions, bills, plaints, or informations, is or are commenced, proſecuted, entered, or filed, in any other perſon or perſons name or names, than is in that behalf before mentioned, the ſame, and all proceedings thereupon had, are hereby declared to be null and void; and the ſaid court or courts, where ſuch action, bill, plaint, or information, or actions, bills, plaints, or informations, is, are, or ſhall be ſo commenced, proſecuted, entered, or filed, ſhall not permit or ſuffer any proceeding or proceedings to be had thereupon.

Actions for penalties to be filed in the name of the attorney general, or of an officer of the cuſtoms or exciſe, or to be void.

XIV. And be it further enacted by the authority aforeſaid, That in caſe any proſecution ſhall be commenced or depending by any officer or officers of either of his Maſteſty's revenues or cuſtoms or exciſe, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to either of his Maſteſty's ſaid revenues, it ſhall and may be lawful for his Maſteſty's attorney general, in caſe it ſhall appear to his ſatisfaction that ſuch fine, penalty, or forfeiture, or fines, penalties, or forfeitures, was or were incurred without any intention of fraud, to ſtop all further proceedings, by entering a *Noli proſequi*, or otherwiſe, on every ſuch information, as well with reſpect to the ſhare of ſuch forfeiture, fine, penalty, or fines, penalties, or forfeitures, to which any ſuch officer or officers ſhall or may claim to be intitled, as to the ſhare thereof belonging to his Maſteſty; any law to the contrary thereof in any wiſe notwithstanding.

Attorney general may enter a noli proſequi in any action for fines.

XV. And whereas the laws already made for the ſecuring the duties

Officers, on notice, may enter warehouse, gauging, &c. and take samples.

Persons obstructing the officer, to forfeit 200l.

Warrants may be granted to officers, forcibly to enter warehouses, visited by the proprietors without their knowledge.

ties of excise imposed on rum or spirits of the growth, produce, or manufacture, of his Majesty's British sugar plantations, imported into the kingdom of Great Britain directly from the said sugar plantations, or any of them, have been found insufficient and ineffectual; for remedy whereof, be it enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, it shall and may be lawful for the officers of his Majesty's revenue of excise, or any of them, from time to time, and at all times, by day and by night (and if in the night time, in the presence of a constable or other officer of the peace), upon previous notice for that purpose having been given to any such importer or proprietor, importers or proprietors, or left at his, her, or their dwelling house, or with his, her, or their known agent or servant, usually entrusted with the key of the lock affixed to any such warehouse by such importer or proprietor, importers or proprietors, by the space of one hour, or more, to enter into all and every such warehouses, and by tasting, gauging, or otherwise, to take an account of the quantity and quality of all rum, spirits, strong waters, or other liquors, as shall, at the time of such his or their entry, be found therein; and also to take a sample or samples of all such rum, spirits, strong waters, or other liquors, not exceeding half a pint in the whole, out of each cask or other vessel containing the same, paying, if demanded, at and after the rate of three shillings for each and every gallon of such rum, spirits, or strong waters, and at and after the rate of three shillings for each and every gallon of such other liquors; and in case any such importer or proprietor, importers or proprietors, or any agent, servant, or workmen to him, her, or them belonging, shall, after such notice given as aforesaid, hinder or refuse the said officer or officers to enter into any such warehouse or warehouses to take such account as aforesaid, or shall refuse to permit or suffer any such officer or officers to take any such samples as aforesaid, upon his or their offering to pay for the same as aforesaid, or shall anywise obstruct or hinder him or them in taking such sample or samples, such importer or proprietor, importers or proprietors, shall, for every such offence, forfeit the sum of two hundred pounds.

XVI. And be it further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, upon oath made by any credible person or persons, that he, she, or they, have reason to suspect or believe that the proprietor or importer, proprietors or importers, of such rum or spirits lodged and put in any warehouse or warehouses, under the direction and authority of the statute in that case made and provided, or any other person or persons whatsoever, do mean and intend, without the privity, consent, and knowledge of the officer or officers of his Majesty's revenue of excise, within whose district or division such warehouse or warehouses shall be situated, in the night time to enter or go into such warehouse or warehouses, wherein such

rum

rum or spirits are or shall be so lodged and put, or that such proprietors or importer, proprietors or importers, or any other person or persons whatsoever, shall at any time actually be in such warehouse or warehouses without the privity and consent of such officer or officers as aforesaid, it shall and may be lawful to and for any one or more of the commissioners of excise, within the limits of the weekly bills of mortality, or any one or more of the justices of the peace in any other part of *Great Britain*, (which oath they the said commissioners, and justices of the peace, respectively, are hereby authorized to administer), from time to time, to issue their respective warrants, authorizing and requiring any officer or officers of excise (with the assistance of a constable, or other peace officer) to enter such warehouse and warehouses, by force or otherwise, and that every such warrant shall and may be obeyed and executed accordingly; and if such proprietor or importer, proprietors or importers, or other person or persons whatsoever, shall hinder or refuse the said officer or officers, or any other person or persons, in his aid or assistance, from entering such warehouse or warehouses, or shall hinder or obstruct the said officer or officers in the due execution of the said warrant, the person or persons offending therein shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Persons obstructing officers to forfeit 200l.

XVII. And be it further enacted by the authority aforesaid, That if, from and after the first day of *August*, one thousand seven hundred and eighty-six, any officer or officers of excise shall discover and find in such warehouse or warehouses, any increase of rum or spirits (other than and except such as shall arise from such rum or spirits as shall have been imported and landed as aforesaid, and lodged and put into such warehouse or warehouses, under the direction and authority of the statutes in that case made and provided) over and above the quantity of rum or spirits which the officer found in such warehouse or warehouses at the time of the last preceding survey upon such warehouse or warehouses, or shall discover and find, in such warehouse or warehouses, any decrease of rum or spirits (other than and except such decrease as shall arise from such rum or spirits delivered out of such warehouse or warehouses, according to the form of the statutes in that case made and provided, or as shall arise from leakage or other unavoidable accident) under and below the quantity of rum or spirits which the officer found in such warehouse or warehouses at the time of the last preceding survey upon such warehouse or warehouses, such increase or decrease shall be deemed and taken to have been made by means of the proprietor or importer, proprietors or importers, of such rum or spirits so imported and landed, and lodged and put into such warehouse or warehouses, under the direction and authority of the statute in that case made and provided, having by some means, act, device, or contrivance, opened such warehouse or warehouses, not in the presence of the proper warehouse-keeper, or other officer of excise, whose business it is to attend with the key to open the same; and in every

If an unfair increase or decrease be found in the stock of rum, &c. in any warehouse, the proprietor to forfeit 500l.

every fuch cafe fuch importer or proprietor, importers or proprietors, fhall forfeit and lofe, for every fuch offence, five hundred pounds.

Preamble.

XVIII. And whereas persons who have been guilty of assaulting or obstructing officers of the customs or excise in the due execution of their offices, or of rescuing, or attempting to rescue, goods seized by such officers, or of offences against the laws respecting quarantine, being prosecuted for the same by indictment or information in his Majesty's court of king's bench, do frequently escape punishment by reason that such persons have not been usually put under any recognizance to answer such indictment or information, unless in cases where some specific pecuniary penalty is imposed, or where the offence having been committed in the county of Middlesex, an indictment for the same has been originally found in the said court of king's bench; for remedy thereof, be it further enacted by the authority aforesaid, That whenever any person or persons shall be charged with assaulting or obstructing any officer or officers of the customs or excise, in the due execution of his or their office or offices, or any person or persons acting in his or their aid or assistance, or with rescuing, or attempting to rescue by force any uncustomed or prohibited goods, after seizure thereof by such officer or officers, or with any offence against any law respecting quarantine, and the same shall be made appear to any judge of his Majesty's court of king's bench, by affidavit or by certificate of an indictment or information being filed against such person or persons in the said court for such offence, it shall and may be lawful for such judge to issue his warrant in writing under his hand and seal, and thereby to cause such person or persons to be apprehended and brought before him, or some other judge of the said court, or before some one of his Majesty's justices of the peace, in order to his, her, or their being bound to the King's majesty with two sufficient sureties in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any the offences aforesaid; and in case such person or persons shall neglect or refuse to become bound as aforesaid, it shall be lawful for such judge, or justice of the peace respectively, to commit such person or persons to the common gaol of the county, city, or place, where the offence shall have been committed, or where he, she, or they shall have been apprehended, until he, she, or they shall have become bound as aforesaid, or shall be discharged by order of the said court of king's bench in term time, or by one of the judges of the said court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the said court, and shall continue in force until such person or persons shall have been acquitted of such offence, or in case of conviction, shall have received judgment for the same, unless sooner ordered by the said court to be discharged.

Persons assaulting officers, &c. or attempting to rescue prohibited goods, to be bound with two sureties to appear to informations,

and refusing to become bound, to be imprisoned.

Penalties and forfeitures

XIX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, by this act, shall

shall be sued for, recovered, levied, or mitigated, by such ways, means or methods, as any fine, penalty or forfeiture, may be sued for, recovered, levied or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

how to be recovered and applied.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within one month next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. LXXXVIII.

An act for better securing the duties on paper printed, painted, or stained, in Great Britain.

WHEREAS, notwithstanding the laws already made for securing the duties on paper, printed, painted, or stained, in Great Britain, to serve for hangings and other uses, many frauds are frequently practised, to the great loss of the revenue, and to the injury of the fair trader, by evil minded and indigent persons, who are encouraged in their evil practices by the length of time allowed by law for the payment of these duties, and for the want of some further regulations: and whereas, by an act of parliament passed in the tenth year of the reign of queen Anne, entitled, An act for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or

Preamble.

10 Anne c. 10, related in part;

lottery tickets; and for borrowing money upon stock, part of the capital of the *South Sea* company, for the use of the publick; it was, among other things, enacted, That from and after the four and twentieth day of June, one thousand seven hundred and twelve, during the continuance of the duties upon paper, all and every person and persons who should print, paint, or stain any paper in Great Britain should, once in every six weeks, make a true entry in writing at the next office for the said duties upon paper, of all the paper by him, her, or them severally made fit for use within such six weeks respectively; and that all and every person and persons who should print, paint, or stain any paper in Great Britain, should from time to time, within six weeks after he, she, or they should make, or ought to have made such entry as aforesaid, pay and clear off all the said duties for all such paper as should by them respectively be printed, painted, or stained, so as to be fit for use or sale: and whereas the allowing so long a time for the making the entries, and for the paying the duties as aforesaid, hath been found prejudicial to the revenue; for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and content of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of September, one thousand seven hundred and eighty six, so much of the said act as requires any printer, painter, or stainer of paper, to make such entries, once in every six weeks, of all paper by him, her, or them printed, painted, or stained, within such six weeks, or to pay and clear off all duties for the same within six weeks after he, she, or they should make, or ought to have made, such entries as aforesaid, shall be repealed, save only and except in all cases relating to the recovering any arrears, which may at that time remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon, or at any time before the said first day of September, one thousand seven hundred and eighty-six.

and from Sept. 1, 1786, so much as relates to paper stainers, &c. making entries once in six weeks of all paper stained, etc. to be repealed.

From Sept. 1 1786, entries to be made every fortnight of all paper stained, etc. on penalty of sol.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of September, one thousand seven hundred and eighty-six, all and every person and persons, who shall print, paint, or stain any paper in Great Britain, to serve for hangings or other uses, shall, once in every fortnight, make a true entry in writing at the next office for the said duties, of all the paper by him, her, or them printed, painted, or stained, within such fortnight respectively, which entries shall contain the just kinds and quantities thereof respectively, on pain to forfeit, for every neglect of such entry, the sum of fifty pounds; which entries shall be made upon oath (or, in case of a Quaker, upon solemn affirmation) of the printer, painter, or stainer of such paper, or of his, her, or their chief workman or servant employed in the printing, painting, or staining such paper, according to the best of his, her, or their knowledge or belief; which oaths or affirmations shall and may be administered by the proper collector, supervisor, or surveyor of the said duties of the district or division within which such

ſuch printer, painter, or ſtainer of paper doth inhabit, without any fee or charge for the ſame.

III. And be it further enacted, That all and every perſon and perſons, who ſhall print, paint, or ſtain any paper in Great Britain, ſhall, from time to time, within a fortnight after he, ſhe, or they ſhall have made, or ought to have made, ſuch entry as aforeſaid, pay and clear off all the duties for all ſuch paper as ſhall by them reſpectively be printed, painted, or ſtained, upon pain of forfeiting, for every default therein, double the ſum of the ſaid duty whereof the payment ſhall be ſo neglected; and that no ſuch perſon, after ſuch default in payment made, ſhall ſell, deliver, or carry out, any ſuch printed, painted, or ſtained paper, until he or ſhe hath paid and cleared off his or her duty as aforeſaid, upon pain to forfeit double the value of the goods ſo ſold, delivered or carried out.

Duties to be paid within a fortnight after ſuch entries made, on penalty of forfeiting double the duties.

If goods are delivered before the duties are paid, double their value to be forfeited.

IV. And whereas *Gainers of paper, have large quantities of paper now in their poſſeſſion, which has been taken account of, but is not charged with the duties; and as it may be very inconvenient for ſuch printers, painters, or ſtainers of paper, to pay all ſuch duties within a fortnight after this act takes place; be it enacted by the authority aforeſaid, That every printer, painter, or ſtainer of paper, for hangings or other uſes, who, on the firſt day of September, one thouſand ſeven hundred and eighty-ſix, ſhall have any paper in his poſſeſſion which has been taken account of, and which is not already charged with the duties, ſhall produce the ſame to the officer appointed to take an account of, and charge the duties thereon, and the ſame ſhall be meaſured, marked, and charged with the duties; and the ſaid printer, painter, or ſtainer, ſhall pay the duties for the ſame within ſix months after the ſaid charge ſhall be ſo made; or if the ſaid paper, or any part thereof, ſhall be finiſhed in leſs time, then ſuch printer, painter, or ſtainer, ſhall pay the duties for the ſaid paper, or any part thereof, within one fortnight after the ſame ſhall be ſo finiſhed reſpectively.*

The duties on ſtock at Sept. 1, 1786, to be paid for in 6 months, or in a fortnight after any parts thereof are finiſhed.

V. And whereas by a certain other act of parliament, paſſed in the firſt year of the reign of King George the Firſt, intituled, An act for charging and continuing the duties on malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſixteen; and for compelling ſeveral receivers to ſiniſh and clear their accounts; and for making duplicates of exchequer bills, lottery tickets, and orders, loſt, burnt, or deſtroyed; and for enlarging the time for adjusting claims to certain beneſit tickets; and for allowing the charge of executing the lottery act, for the ſervice of the year one thouſand ſeven hundred and ten; and for recovering monies of ſeveral land taxes, reſting in the hands of collectors or conſtables at *Saint Albans*; and for preventing frauds in the duties upon ſape; and for limiting a time for perſons who have certain annuities for life or lives, to demand the payments thereupon at the exchequer; and for preventing frauds in the duties relating to

Act 1 Geo. 1. c. 36, recited in part.

printed and painted paper, callicoos, and other things therein mentioned; it was, among other things, enacted, That before any paper should be printed, painted, or stained, the officers for the duties thereon should be permitted to take accounts of the quantities and dimensions of all paper for printing, painting, or staining, which, at any time or times, should be in the custody or possession of any such printer, painter, or stainer, and upon taking such account thereof, should mark or stamp every sheet and piece thereof with a stamp or seal, provided as by the said act is directed: and whereas the stamping every sheet of paper, in cases where many sheets of paper are afterwards joined together in one piece, in order to be printed, painted, or stained, is found insufficient to secure the duties on such paper, and it is necessary that some further additional mark or stamp should be put on every such piece of paper, or sheet of paper, where a single sheet shall be printed, painted, or stained; be it further enacted by the authority afore-

From Sept. 1, 1786, if paper be begun to be stained, &c. before measured and marked, to be forfeited, and sol. penalty incurred for every piece.

said, That, from and after the said first day of September, one thousand seven hundred and eighty-six, every printer, painter, or stainer of paper, in Great Britain, to serve for hangings and other uses, before he, she, or they shall print, paint, or stain, any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, shall produce and shew such piece of paper, or such sheet of paper, to the proper officer for the said duties, and such officer shall take an account thereof; and in case such officer finds that every sheet thereof is marked or stamped as by the aforesaid act is required, he shall measure the same, and mark such piece of paper, or such sheet of paper, where a single sheet shall be printed, painted, or stained, at both ends thereof, with a frame mark, denoting the measure thereof, and with such other number or mark as the commissioners for the said duties shall direct; and in case any printer, painter, or stainer of paper, shall begin to print, paint, or stain any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, before he same shall have been measured and marked at both ends thereof by the officer for the said duties, as by this act is directed, every such piece or sheet of paper shall be forfeited, and may be seized by any officer for the said duties, and the printer, painter, or stainer, in whose possession the same shall be found, shall also forfeit the sum of twenty pounds for every such piece of paper or sheet of paper so printed, painted, or stained, without having been measured and marked as aforesaid.

VI. And, to the end that paper printed, painted, or stained, and already charged with the duties thereon, may not be improperly seized, be it further enacted by the authority aforesaid, That at any time before the first day of January, one thousand seven hundred and eighty-seven, any printer, painter, or stainer of paper, or any dealer in printed, painted, or stained paper, may give two days notice to the proper officer for the said duties, that he desires to have such printed, painted, or stained paper, which has been already charged with the said duties before the first day of September, one thousand seven hundred and eighty-six, to be marked

Paper for which the duties shall have been charged before Sept. 1, 1786, may be stamped before Jan. 1, 1787;

marked and stamped according to the directions of this act; and such officer, having received such notice as aforesaid, shall attend, and in case he shall find that every sheet of such paper is marked or stamped as by the said former acts is required, he shall stamp or seal every piece of such paper to already charged with the said duties, and every sheet, where a single sheet is printed, painted, or stained, at both ends thereof, with such stamp or seal as is by this act directed to be used, to denote that the duties have been charged thereupon, or with such other stamp or seal as the commissioners for the said duties shall direct to be used; and from and after the said first day of *January*, one thousand seven hundred and eighty-seven, every piece of paper printed, painted, or stained, and every sheet of such paper, where a single sheet shall be printed, painted, or stained, that shall be found in the possession of any printer, painter, or stainer of any paper, or of any dealer therein, shall be deemed to have been printed, painted, or stained after the said first day of *September*, one thousand seven hundred and eighty-six; and in case the same shall not be stamped and sealed at both ends thereof, as by this act is directed, the same shall be forfeited, and may be seized by any officer of the excise or for the said duties.

and after Jan. 1, 1787, every single sheet found in the possession of a dealer to be deemed to have been stained after Sept. 1, 1786, and liable if not stamped.

VII. And be it further enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty-seven, no person shall be intitled to any drawback of the duties upon paper printed, painted, or stained in *Great Britain*, upon the exportation of any such paper printed, painted, or stained, before the said first day of *September*, one thousand seven hundred and eighty-six, that shall not have such stamp or seal at both ends thereof, as is herein-before lastly directed, any thing in this act to the contrary notwithstanding.

After Jan. 1, 1787, no drawback to be allowed on paper stained before Sept. 1, 1786, unless duly stamped.

VIII. And whereas printers, painters, orainers of paper may frequently have occasion to cut pieces of paper, printed, painted or stained, into remnants or parts for samples, or for other purposes, be it enacted by the authority aforesaid, That when any printer, painter, orainer of paper shall be desirous of cutting any piece or pieces of paper, printed, painted, or stained, into remnants or parts, such printer, painter, orainer, shall give six hours notice to the proper officer for the said duties, and such officer shall attend and see the frame marks and stamps put, as herein-before directed, at both ends of every such piece of paper, cut off every such piece or pieces of paper; and after having seen such piece or pieces of paper cut into remnants or parts, shall stamp or mark every such remnant or part, at each end thereof, with such stamps or marks as the commissioners for the said duties shall from time to time direct, which stamps or marks the commissioners for the said duties are hereby authorized to provide for that purpose.

Pieces cut for samples must be marked by the officer on every sample.

IX. And whereas divers printers, painters, orainers of paper do frequently obtain long delays of charging the duties upon paper by them printed, painted, or stained, upon pretence that they intend to add

Duties to be charged, etc. as soon as paper is stained,

and sol. penalty to be incurred for every piece of paper removed before stamp, with forfeiture of the paper.

Officers to charge the duties for paper missing.

Paper not charged with the duties to be kept separate, on penalty of sol.

Persons fraudulently concealing paper to forfeit tool.

some other colour or some other figure to the same, and that the same is not finished, which delays are detrimental to the revenue; for remedy thereof, be it enacted by the authority aforesaid, That, from and after the said first day of September, one thousand seven hundred and eighty-six, as soon as any paper shall be printed, painted, or stained with any colour, or with any figure, the officer for the said duties shall take an account of the same, and shall charge the duties for the same, and shall stamp or seal every piece of such paper, or every sheet, where any single sheet shall be printed, painted, or stained, at both ends of every such piece or sheet, with a stamp or seal, to denote that the duties have been charged thereon; and if any printer, painter, or stainer of paper shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any piece or sheet of printed, painted, or stained paper, before the same shall have been taken account of, and stamped or sealed at both ends thereof by the officer, to denote the charging the said duties, every such printer, painter, or stainer of paper shall forfeit, for every such offence, the sum of fifty pounds, and all such printed, painted, or stained paper, so removed without being stamped or sealed by the officer, to denote the charging the said duties, and being found in the possession of any dealer in printed, painted, or stained paper shall be forfeited, and may be seized by any officer for the said duties.

X. *And, for the better prevention of frauds,* be it further enacted, That in case any officer or officers for the said duties on paper printed, painted, or stained, shall miss any quantity or quantities of such paper whereof he had taken an account, and marked the same with a frame mark, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in such case, it shall and may be lawful for such officer to charge such printer, painter, or stainer of paper with the duties of such paper so missing, as if the same were actually printed, painted, or stained.

XI. And be it further enacted by the authority aforesaid, That every printer, painter, or stainer of any such paper as aforesaid, shall, from time to time, keep all the paper by him, her, or them respectively printed, painted, or stained, and which shall not have been stamped and charged by the proper officer for the said duties, separate and apart from all other printed, painted, or stained paper which shall have been stamped and charged by such officer, on pain to forfeit, for every offence therein, the sum of fifty pounds.

XII. And be it further enacted by the authority aforesaid, That if any printer, painter, or stainer of paper, shall fraudulently hide or conceal, or cause to be hid or concealed, any printed, painted, or stained paper, or any paper marked for printing, painting, or staining, with intent to defraud his Majesty of his just duties thereon, then, and in every such case, the party so offending shall forfeit the sum of one hundred pounds for every such offence.

XIII. And

XIII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties shall, on or before the said first day of *September*, one thousand seven hundred and eighty-six, provide proper frames, and such other numbers or marks as they shall think fit, to denote the measure of all pieces or sheets of paper, printed, painted, or stained, and proper stamps or seals to denote the charging the duties thereon; and shall cause the said respective frames, numbers, and marks, and the said stamps and seals to be distributed to the respective officers for the several purposes before mentioned; which officers are hereby enjoined and required in using the same to do no hurt or damage, or the least damage that may be, to the paper to be so marked or stamped; and the said frames, numbers, and marks, and the said stamps or seals, to be provided in pursuance of this act, and also the said marks or stamps provided in pursuance of the said former act, may be altered or renewed, from time to time, as the said commissioners shall from time to time think fit; and if any person whatsoever shall at any time counterfeit or forge any frame, number, or mark, used by the officers for the said duties in marking such paper, or shall counterfeit or forge the impression of the same, upon any paper to be printed, painted, or stained, every person so offending shall forfeit and lose the sum of one hundred pounds; and if any person whatsoever shall at any time counterfeit or forge any stamp or seal, to resemble any stamp or seal which shall be provided in pursuance of this act, to denote the charging the duties on paper printed, painted, or stained, in *Great Britain*, or shall counterfeit or resemble the impression of the same, upon any paper printed, painted, or stained, thereby to defraud his Majesty, his heirs or successors, of the duties on such paper printed, painted, or stained, then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and in case any person shall at any time sell any such printed, painted, or stained paper, with a counterfeit stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his heirs or successors, every such offender shall, for every such offence, forfeit and lose the sum of one hundred pounds.

Commissioners to provide proper marks, etc.;

and the officers in using them to do the least possible damage to the paper.

Penalty on forging marks, &c.

XIV. And be it further enacted by the authority aforesaid, That if, at any time after the said first day of *September*, one thousand seven hundred and eighty-six, any printer, painter, or stainer of paper, shall wilfully cut out, obliterate or deface, or wilfully suffer to be cut out, obliterated or defaced, the frame mark, number, or mark put by the officer on any piece or sheet of paper, to denote the measure thereof, every such printer, painter, or stainer of paper shall forfeit the sum of fifty pounds for every piece of paper, or sheet of paper, on which the frame mark, number, or mark put by the officer, shall be so wilfully cut out, obliterated, or defaced.

Persons obligating marks, to forfeit sol.

XV. And be it further enacted by the authority aforesaid,

Persons affix-
ing marks
ready us'd, to
be forfeit sol.
and the paper.

That if at any time after the said first day of *September*, one thousand seven hundred and eighty-six, any printer, painter, or stainer of paper shall, by any means or contrivance, with intent to defraud his Majesty of his just duties, affix upon any piece of paper, or sheet of paper, printed, painted, or stained, any frame mark, or any stamp or seal which shall have been before affixed on any other piece of paper, or sheet of paper, printed, painted, or stained, then, and in every such case, every person so offending shall, for every such offence, forfeit and lose the sum of fifty pounds, and also every piece or sheet of such paper, whereupon such frame mark, stamp, or seal, shall be so fraudulently affixed.

Persons keep-
ing paper in

which notice
has not been
given to the
officer, to for-
feit sol. and
the paper

XVI. And be it further enacted by the authority aforesaid, That no printer, painter, or stainer of paper, shall keep any paper printed, painted, or stained, or to be printed, painted, or stained, marked with a frame mark denoting the measure thereof, or with a stamp or seal denoting the charging the duties thereon, or unmarked with either such frame mark, or such stamp, in any warehouse, room, or place, whereof no notice shall have been given to the officer for the said duties on paper printed, painted, or stained; and if any such paper printed, painted, or stained, or to be printed, painted, or stained, whether marked with a frame mark or unmarked, or stamped or unstamped, shall be found in the possession of any printer, painter, or stainer of paper, in any warehouse, room or place, whereof no notice shall have been given to the officer for the said duties, then, and in every such case, the party so offending shall forfeit the sum of fifty pounds for every such offence, and all such paper so found shall be forfeited, and may be seized by any officer for the said duties.

Warrants may
be granted to
search for pa-
per suspected
not to be duly
stamped,
which may be
seized,

XVII. And be it further enacted by the authority aforesaid, That at any time or times, upon oath made by any credible person or persons, that he, she, or they have reason to suspect or believe, that any paper printed, painted, or stained in *Great Britain*, after the said first day of *September*, one thousand seven hundred and eighty-six, for which a duty ought to have been paid or charged, or which ought to have been stamped, as by this act is directed, is or shall be in the custody or possession of any printer, painter, or stainer of paper, or other person trading or dealing therein, or of any person or persons, for the use or account of such printer, painter, or stainer, or other trader or dealer in printed, painted, or stained paper for sale, without having thereupon such stamps or seals as are by this act required to denote the charging the duties thereupon, it shall and may be lawful for the commissioners of the said duties in *England* or *Scotland* respectively, or any two of them, within their respective limits, or for any one justice of the peace in any other parts of *Great Britain*, from time to time, to issue their respective warrants or orders, thereby authorizing and requiring any officer or officers for the said duties, with the assistance of a constable or other officer of the peace, in the day time, to search for the same, and to open doors, chests, trunks, and packages, and to seize

seize such paper, printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, and not having such stamps or seals thereon as are by this act required, and to bring the same to the excise office next to the place where the same shall be seized, and that every such warrant shall be obeyed and executed accordingly; and such paper, printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, so found unstamped, in the possession of such printer, painter, or stainer, or other trader or dealer, for sale, or in the possession of any other person for the use of such printer, painter, or stainer, trader or dealer, for sale, shall be forfeited: provided always, that no remnant of any piece of such printed, painted, or stained paper, being of less length than shall be expressed by the frame mark thereon, being found in the possession of such printer, painter, or stainer of paper, or trader or dealer therein, having such stamp or seal, as by this act is required, at one end thereof, shall be forfeited, by reason of not having such stamps or seals at both ends thereof; and if any person or persons shall obstruct or hinder of the aforesaid officers from entering any such place or places for the purposes aforesaid, or in seizing or carrying away any paper, by this act declared to be forfeited, every person or persons so offending shall forfeit and pay the sum of fifty pounds.

but no remnant of a piece of less length than the frame mark to be forfeited, for not having stamps at both ends. Persons obstructing officers, &c. forfeit sol.

XVIII. *And, for the better preventing of frauds, by the lengthening or adding to any piece, or remnant, a piece, of such printed, painted, or stained paper, after such piece of paper shall have been stamped or sealed at both ends thereof, as by this act is required; be it further enacted by the authority aforesaid, That if, at any time after the said first day of September, one thousand seven hundred and eighty-six, any piece, or remnant of a piece of paper, printed, painted, or stained, after the said first day of September, one thousand seven hundred and eighty-six, not having such frame mark and stamp thereon as is by this act required, or having such frame mark and stamp at one end thereof only, and being of as great or greater length than shall be expressed by such frame mark, or having such frame mark and stamp at both ends thereof, and being of greater length than shall be expressed by such frame mark by the length of half a yard, or more, shall be found in the possession of any printer, painter, or stainer of paper, or trader or dealer therein, every such piece of paper or remnant shall be forfeited, and may be seized by any officer for the said duties, and the printer, painter, or stainer of paper, or trader or dealer therein, in whose possession the same shall be found, shall also forfeit and lose the sum of fifty pounds.*

Paper not having the frame mark, or being marked at one end only, &c. to be forfeited, and also sol.

XIX. *And, in order more effectually to prevent any frauds by shipping for exportation to foreign parts, any such printed, painted, or stained paper, and obtaining a drawback of the duties payable for the same, and afterwards relanding and selling the same for home consumption, be it further enacted by the authority aforesaid, That, from and after the said first day of September, one thousand seven hundred and eighty-six, whenever any person shall be defrauded of*

If paper stained before Sept. 1, 1786, is exported, of

Oath to be made of the fact.

of packing up, in order to be exported to foreign parts, by way of merchandize, any paper printed, painted, or stained, before the said first day of *September*, one thousand seven hundred and eighty-six, in *Great Britain*, to serve for hangings and other uses, and not having such stamps or seals denoting the charging the said duties, and such frame marks denoting the measure thereof, at both ends of every piece of such paper, or of every sheet of such paper, where any single sheet is printed, painted, or stained, as are by this act required, such person, or his clerk or manager, shall make oath (or, being a Quaker, affirmation) before the surveyor or supervisor, or other officer of excise, appointed by the commissioners of excise, or the major part of them, for that purpose (who is hereby authorized and required to administer the same), that all and every such piece and pieces, or sheet or sheets of paper were printed, painted, or stained in *Great Britain*, before the said first day of *September*, one thousand seven hundred and eighty-six; and such officer or officers shall not permit to be packed up in order to be exported, any piece of paper, or any sheet of paper, printed, painted, or stained in *Great Britain*, after the said first day of *September*, one thousand seven hundred and eighty-six, not having the stamps or seals directed by this act denoting the charging the said duties, and also the frame marks denoting the measure thereof, distinct and plain at both ends of every such piece of paper, or sheet of paper, where a single sheet shall be printed, painted, or stained; and the officer or officers who shall attend to see such paper, so printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, packed up, shall take care to measure the said paper, and to see that the stamps or seals directed by this act denoting the charging of the duties thereupon, and also the frame marks denoting the measure thereof, are cut off from both ends of every piece of such paper, or every sheet of such paper, where a single sheet shall be printed, painted, or stained, before the same are packed up.

No paper stained after Sept. 1, 1786, to be permitted to be packed for exportation, unless legally marked, &c.

Officer to measure paper exported, and cut off the marks, &c.

How fines are to be recovered and applied.

XX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs or successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

Limitation of actions.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him, her, or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant

or

or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

C A P. LXXIX.

An act to explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; and for making certain provisions respecting duties to be administered by the commissioners for the duties on houses, and windows or lights, or any other duties put under their management.

WHEREAS an act was made in the twenty fourth year of his present Majesty's reign, intituled, An act for granting to his Majesty certain duties on hories kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable; and also another act was passed in the twenty fifth year of his present Majesty's reign, intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise; and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; it is by the said first recited act enacted, That every person who shall keep or use any horse, mare, or gelding, for the purpose of riding, shall yield and pay annually for every such horse, mare, or gelding, the sum of ten shillings: and whereas it is reasonable that persons in circumstances herein-after described shall not be charged with the said duty by the said first recited act imposed: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of April, one thousand seven hundred and eighty-six, no person or persons who shall keep any horse, mare, or gelding, which shall be used truly, and without fraud, for the purpose of husbandry, or of drawing any carriage (except such as was heretofore liable to any excise duty), or carrying burdens in the course of the trade or occupation of the person or persons to whom such horse, mare, or gelding shall belong, shall, in respect thereof, be chargeable with the duty by the said herein-before first recited act

Preamble.

Act 24 Geo. 3. c. 31; and

act 25 Geo. 3. c. 47, recited.

From April 5, 1786, no horse kept for husbandry, or for carriage of burdens in the course of the trade of the proprietor, to be chargeable with the duty

imposed by the recited act, if only rode in cases herein specified.

act imposed, or be construed to be within the intent and meaning of the said first recited act, in case such horse, mare, or gelding, shall not be used for any other purpose of riding, save and except in manner herein after mentioned; that is to say, When returning from any place to which any load or burthen shall have, by such horse, mare, or gelding, been drawn or carried, or in going to any place from whence any load or burthen shall be to be brought back by any such horse, mare, or gelding, or on account of such horse, mare, or gelding having been used for the purpose of riding to procure medical assistance, or for the purpose of riding to or from market, or to or from any place of publick worship, or to or from any election of members to serve in parliament, or to or from any court of justice, or to or from any meeting of the commissioners of taxes; any thing in the said recited act contained to the contrary notwithstanding.

No tax to be levied for horses kept by persons exempted from the poor's rates.

II. And be it further enacted, That no duty shall be imposed, assessed, or levied, by virtue of the said first recited act, for or in respect of any horse, mare, or gelding, whereof the owner or owners, by reason of his, her, or their poverty, is, are, or shall be exempted from the actual payment of the usual taxes, assessments, and contributions, raised, levied, and paid towards the church and poor.

Clause of last recited act, exempting occupiers of farms of not more than 150l. per ann. from tax for horses rode to market or church only, repealed.

III. And whereas, by the said recited act of the twenty fifth year of his present Majesty's reign, it is enacted, That the assessments made under the authority of that act should be made for all horses whatsoever which shall, on any occasion whatsoever, be used for the purpose of riding, or in drawing any carriage (then subject to any excise duty); and it is provided, that upon any appeal, where proof should be made upon oath that such horse, for which any person occupying a farm not worth more than one hundred and fifty pounds per annum, should have been so assessed, had been only used for the purpose of riding to or from market, or church, or other place of publick worship, and to no other place, or for no other purpose of riding, it might be lawful for the commissioners to make an abatement of the whole duty from the charge against the person to whom such horse shall belong; be it therefore further enacted, That the said recited clause and proviso shall be, and the same is hereby repealed.

Persons occupying farms of less than 70l. per ann. not chargeable with duty for horses used in husbandry, and only rode occasionally.

IV. And be it further enacted, That no person occupying a farm, the rent or value of which shall be less than seventy pounds a year, and making a livelihood solely thereby, shall be chargeable with the duty by the said before recited act imposed for or on account of any horse, mare, or gelding, being occasionally used in riding; provided such horse, mare, or gelding, be bona fide kept and usually employed for the purposes of husbandry; any thing in the said recited act to the contrary notwithstanding.

V. And whereas several persons may have, unintentionally, omitted to take, in due form and manner, the several oaths required by the several acts of parliament relative to the duties on houses, and windows or lights, or any other duties put under the management of the commissioners

commissioners for the said duties on houses, and windows or lights: and whereas in some of the said acts there is no exprefs provision made for the administering the oaths thereby required: be it therefore further enacted, That all and every person and persons, lawfully qualified to act as commissioner or commissioners for the said duties on houses, and windows or lights, who have already acted, or, on or before the first day of October, one thousand seven hundred and eighty-six, shall act in the execution of any act or acts of parliament relative to the said duties on houses, and windows or lights, or any other duties now placed under the management of the commissioners for the said duties on houses, and windows or lights, although such person or persons may not have taken the several oaths to be required to be taken by such person or persons, shall be, and he and they is and are hereby indemnified from any penalty or penalties incurred by reason of such omissions; and all meetings and acts of the said commissioners which have been, or shall have been on or before the said first day of October, one thousand seven hundred and eighty-six, had or done pursuant in all other respects to the said acts respectively, shall be, and are hereby declared to be valid and effectual to all intents and purposes.

Persons legally qualified, who shall act as commissioners for the duties on houses, &c. before Oct. 1, 1786, indemnified from penalties for not having taken the oaths required.

VI. And be it further enacted, That all and every the oath or oaths, required by the said acts relative to the duties on houses, and windows or lights, or any other duties put under the management of the said commissioners for the duties on houses, and windows or lights, or any of them, or which may be requisite or necessary for carrying the said acts, or any of them, into execution, shall and may be administered by any two or more of the commissioners within each county, city, or place respectively, and they are hereby authorized to administer the same.

Two commissioners may administer oaths.

VII. And it is hereby declared and enacted, That it shall and may be lawful for any two or more of the commissioners for the duties on houses, and windows or lights, or any other duties put under their management, to administer to any other commissioner for the said duties, for the same county, city, or place, the oaths required to be taken by such commissioners, although the said commissioners administering the same have not themselves previously taken the said oaths.

Two commissioners may administer the oaths to other commissioners, though they should not have taken them themselves.

C. A. P. LXXX.

An act for further continuing certain acts therein mentioned, relating to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the preventing the committing of frauds by bankrupts.

WHEREAS an act was made in the nineteenth year of the reign of his late Majesty, (intituled, An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and for indemnifying offenders against those laws, upon the terms therein mentioned; and for

19 Geo. 2. c. 34. recited; and to much thereof as relates to per-relief

sons going armed or disguised, in defiance of the laws of customs and excise, and to the relief of officers in informations to be continued till Sept. 29, 1788.

relief of officers of the customs in informations upon seizures), which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which, by several acts of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth, eleventh, and eighteenth years of the reign of his present Majesty, as to so much thereof as relates to persons going armed or disguised, in defiance of the laws of customs and excise, and to the relief of officers of the customs in informations upon seizures, was continued until the twenty-ninth day of September, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament: and whereas it is expedient further to continue the same; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act of the nineteenth year of the reign of his late Majesty, as relates to persons going armed or disguised, in defiance of the laws of customs and excise; and to the relief of officers of the customs in informations upon seizures, and all and every the method-, orders, directions, rules, proclamations, penalties, punishments, rewards, matters, and things, provided, settled, ordered, directed, imposed, given, and required, by the said act of the nineteenth of his said late Majesty, relative to the surrender, proclaiming, apprehending, harbouring, and punishing such offenders, shall be, and the same is hereby further continued until the twenty-ninth day of September, one thousand seven hundred and eighty-eight, and from thence to the end of the then next session of parliament.

5 Geo. 2. c. 30, continued till Sept. 29, 1788.

II. And whereas it is expedient also to continue the law herein-^{after} mentioned, be it therefore further enacted by the authority afore-said, That an act, made in the fifth year^{of} the reign of his late majesty King George the Second, (intituled *An act to prevent the committing of frauds by bankrupts*), which was to continue in force from the twenty-fourth day of June, one thousand seven hundred and thirty-two, for the space of three years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the ninth and sixteenth years of his said Majesty's reign, was further continued until the twenty-ninth day of September, one thousand seven hundred and fifty; and by an act, made in the twenty-fourth year of the reign of his said late Majesty, was amended, and further continued until the first day of September, one thousand seven hundred and fifty-seven; and which, by several subsequent acts, made in the thirty-first year of his said late Majesty's reign, and the fourth year of the reign of his present Majesty, was further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-one; and which by an act, made in the twelfth year of his present Majesty's reign, was amended, and further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of parliament, and,

and by another act, made in the sixteenth year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament; and by another act, made in the twenty-first year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued until the twenty-ninth day of *September*, one thousand seven hundred eighty-eight, and from thence to the end of the then next session of parliament.

C A P. LXXXI.

An act for the more effectual encouragement of the British fisheries.

WHEREAS it is of the utmost importance to the preservation Preamble.

and increase of the wealth, commerce, and naval strength, of this your Majesty's kingdom of Great Britain, that the fisheries of your said kingdom should receive every reasonable encouragement which they may from time to time be found to require, and which it is in the power of parliament to bestow: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and eighty-seven, for the space and term of seven years thence next ensuing, and from thence to the end of the then next session of parliament, a bounty of twenty shillings per ton shall be paid annually, in the manner herein-after prescribed, to the owner or owners of every decked vessel, of not less than fifteen tons burthen, manned and navigated according to law, which shall be fitted out for, and employed in the *British* white herring fishery, in the manner and under the regulations herein-after directed and provided.

From June 1, 1787, an annual bounty of 20s. per ton granted for 7 years, to owners of ships of 15 tons and upwards, employed in the white herring fishery.

II. And be it further enacted, That every bus or vessel, in order to be deemed properly fitted out for and duly employed in the said fishery, so as to entitle the owner or owners thereof to the said bounty of twenty shillings per ton hereby granted, according to the true intent and meaning of this act, shall be a decked bus or vessel built in *Great Britain*, after the first day of *January*, one thousand seven hundred and eighty, and shall have on board, (barrelled up in new barrels) twelve bushels of salt for every last of fish which such bus or vessel is capable of containing, and as many more new barrels as such bus or vessel is capable of carrying, and also two hundred and fifty square yards of netting for each ton of bus measurement, together with the customary quantity of other materials for the equipment and mounting of the said two hundred and fifty yards of netting in the fishery business, but with liberty to make use of such nets

Particulars required to entitle vessels to the bounty.

therein

therein as shall be found best adapted to the said fishery; and shall have on board not less than five men for the first fifteen tons, and one additional man for every five tons by which such bufs or vessel shall exceed fifteen tons, and so stored, accoutered, furnished, and manned, shall clear out of some port in Great Britain, at some time between the first day of June and the first day of October in one and the same year, and shall proceed immediately upon the said fishery, and shall there begin and continue to fish, in an orderly, regular manner, without impeding or obstructing any other vessel which shall be employed in the said fishery, for the space of three months at the least, to be computed from the day upon which the master and crew of such bufs or vessel shall first shoot or wet their nets, unless such bufs or vessel shall, within that space of time, return into port with a full cargo of fish, taken wholly by the master and crew of such bufs or vessel.

No vessel to be entitled to the bounty, unless it proceeds on the fishery directly from the port to which it belongs, &c.

III. Provided always, and be it further enacted, That no person or persons shall be intitled or allowed to receive the bounty herein-before granted, for any bufs or vessel which shall not proceed directly upon the said fishery from that part of the united kingdom to which such bufs or vessel shall belong, and where the owner or owners, or any one or more of the owners of such bufs or vessel shall reside; and that the master and owner or owners of such bufs or vessel shall take out a licence, to proceed on her intended voyage, from the collector or comptroller of the port where such bufs or vessel was bona fide manned, victualled, furnished, accoutered, and fitted out for her then intended voyage; any thing in this act, or any law, custom, or usage, to the contrary notwithstanding.

Officers of the customs to examine vessels, and certify particulars to the commissioners.

IV. Provided also, and be it further enacted, That before any such bufs or vessel shall proceed on such voyage, or be intitled to the benefit of this act, such bufs or vessel shall be visited by such officer or officers of the customs belonging to the port where such bufs or vessel shall be cleared outwards, as shall be appointed by the commissioners of the customs for that purpose; which officer or officers shall examine such bufs or vessel, and take an account of the tonnage thereof by admeasurement, and shall certify to the said commissioners such his or their visitation, examination, and admeasurement, and that such bufs or vessel hath on board (as the fact may be) such a quantity of fishing nets, and other stores to be used in the said fishery, as herein-before mentioned, and is otherwise a proper vessel to be employed in the said fishery; and thereupon, in case the owner or owners, or one or more of the owners, or his or their respective agent or agents, and also the master or chief officer of such ship or vessel, shall make oath, in writing, before the collector or comptroller of such port (who is hereby empowered and required to take and administer the same), to be subscribed to the said certificate, that it is really and truly their firm purpose and determined resolution, that such bufs or vessel, as then manned, furnished, and accoutered, shall proceed immediately.

Oath to be made of the vessel's being to proceed immediately on the fishery,

Immediately upon the *British* white herring fishery, there to continue fishing, in an orderly, regular manner, for the space of three calendar months at the least (unless such bus or vessel shall sooner obtain a full lading of fish), without impeding or obstructing any other vessel which shall be employed in the said fishery; and if, after such certificate had, and oath made, such owner or owners, or some or one of such owners, or his or their respective agent or agents, and also the master or chief officer of such bus or vessel, shall also become bound, with two sufficient sureties, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty on the tonnage of such bus or vessel intended by this act, (which bond the collector, with the approbation of the comptroller, is hereby required to accept, and is to be in force for the space of three years against the parties thereby becoming bound for the faithful dealing of the said master and his crew, in regard to the said bus or vessel, and voyage), then, and in such case, it shall and may be lawful for the collector and comptroller of such port to give and grant, and they are hereby required to give and grant, to the owner or owners and master of such bus or vessel, full licence and authority to proceed on such voyage as aforesaid, and security given for the faithful conduct of the crew,

V. And be it further enacted, That on the return of any such bus or vessel into any port of *Great Britain* for the discharge of such bus or vessel, the chief officer of the customs, or such other officer of the customs as he shall appoint at such port, shall immediately repair on board of such bus or vessel, and view the condition thereof, and of its lading, and certify the same, together with his observations thereon, and also the real tonnage of such bus or vessel, and the names of the master and other persons on board; and the master or chief officer of such bus or vessel shall also make oath before the collector or comptroller of such port (who is hereby empowered and required to administer the same), to be written on the back of, or annexed to, the licence granted as aforesaid (which the said master is hereby required to deliver up), that such bus or vessel did, without delay, proceed from the port in such licence mentioned, upon its last clearance from thence outwards, to or upon the *British* white herring fishery, and did there remain and continue employed in fishing for herrings or other fish, according to law, from the day of to the day of (expressing the respective days of beginning and ceasing to fish); and that, during all that time the quantity of nets and other stores, and number of men, by law required, were on board of the said bus or vessel or employed in the lawful prosecution of the said fishery, and that the said bus or vessel hath not, since its said last clearance outwards from the said port, been on any other voyage, or pursued any other design or view of profit than that of taking fish, and salting or curing the same, or salting or curing other fresh fish, lawfully purchased at sea; and that all the fish brought into which is to intitle them to licences for the voyage.
Officers of the customs, on the return of a ship, to certify her condition, and oath to be made that she has answered to the terms required;

which certificate, with the licence, etc. are to be transmitted to the commissioners, who are to order the bounty to be paid.

port by the said bufs or vessel were taken by the crew belonging thereto, or (in case of such bufs or vessel not returning till after the expiration of three months) were purchased of *British* subjects; which certificate, licence, and oath, together with an account of the fish taken by the said bufs or vessel, shall be transmitted by the said collector or comptroller, in case the said bufs or vessel departed with such licence from any port within that part of *Great Britain* called *England*, to the commissioners of the customs for *England*; and in case such bufs or vessel departed with such licence from any port within that part of *Great Britain* called *Scotland*, to the commissioners of the customs or excise for *Scotland*: and such commissioners respectively, being fully satisfied of the faithful dealing of the master, and other persons employed or concerned in such bufs or vessel, with respect to such voyage and fishing, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver-general of the customs or excise, as the case shall happen, the sum of twenty shillings *per* ton, according to the admeasurement of such bufs or vessel, duly certified as aforesaid.

Vessels returning with less than the proper number of men, or without a full cargo, not to be entitled to bounty.

VI. Provided always, and be it further enacted, That the owner or owners of any bufs or vessel which shall return into port from the said fishery with a less number of men than such bufs or vessel is hereby required to have on board, as aforesaid, unless it shall be made appear that the said reduction was occasioned by death, sickness, or desertion, without any default, fraud, or collusion, on the part of such owner or owners, or which shall so return within the said space of three calendar months, to be computed as aforesaid, without a full cargo of herrings, or, having such a full cargo, unless the whole thereof were actually caught and taken by the master and crew belonging to such bufs or vessel, shall not be intitled to any bounty on the tonnage of any such bufs or vessel respectively; any thing in this act contained to the contrary thereof notwithstanding.

Bounties to be paid by the receiver-general of the customs, etc.

VII. And be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs in *England* and *Scotland* respectively, to order the said bounty to be paid by the receiver-general or cashier of the customs for that part of *Great Britain* from whence the bufs or vessel, in respect whereof the same shall be payable, shall have departed, as herein-before directed, out of any money in the hands of such receiver-general or cashier, arising from any duties, revenues, or customs, under the management of such respective commissioners; and if the receiver-general or cashier of the customs at *Edinburgh* shall not have sufficient money in his hands to pay the said bounty, the commissioners of his Majesty's customs at *Edinburgh*, or any three of them, shall forthwith give the person or persons, intitled to receive such bounty, a certificate thereof, directed to the commissioners of the excise for that part of *Great Britain* called *Scotland*; which certificate being affixed to the said licence, and other the certificates and documents aforesaid, and being

being produced to the said commissioners of excise, they the said commissioners are hereby authorized and required, on demand, to cause the money, so certified to be due, to be paid by the receiver-general or cashier of the said excise, out of any money in his hands arising from any of the duties and revenue under the management of such commissioners; any law, usage, or custom, to the contrary notwithstanding.

VIII. And be it further enacted, That, from and after the said first day of *June*, one thousand seven hundred and eighty-seven, for and during the term of seven years, and from thence to the end of the then next session of parliament, for every barrel of herrings twice packed and completely cured, which shall, during any one year, be landed from any bus or vessel, the owner or owners of which, in respect thereof, shall be intitled to the aforesaid bounty of twenty shillings *per ton*, under and by virtue of this act, there shall be paid a bounty of four shillings.

IX. Provided always, and be it enacted, That if the number of barrels of herrings imported by any such bus or vessel shall, in any one year, exceed the proportion of two barrels and the half of one barrel of herrings packed and cured as aforesaid for every ton of the burthen of such bus or vessel, then and in such case there shall be paid, for every barrel so exceeding the said proportion, a bounty of one shilling only, and no more.

X. Provided also, and be it further enacted, That, for the more effectual prevention of fraud, all herrings, the proprietor or proprietors of which, in respect thereof, shall be intitled to, or claim the said bounties of four shillings and one shilling, or either of them, shall be computed at the time of their being unshipped, while they are in the state in which they are usually denominated *Sea Steaks* or herrings not repacked, and that four barrels of herrings in that state shall be considered as equivalent to three barrels of herrings packed a second time.

XI. And whereas the said bounties of four shillings, and one shilling, herein-before granted, will afford encouragement to those fisheries alone that are carried on either by decked vessels fitted out under such regulations, and continuing at sea for such time as herein-before respectively mentioned and directed, or by such open boats as are employed on the same coasts with those vessels, and find in the masters of such vessels purchasers of the fish they take; and inasmuch as it is reasonable and expedient, that all industrious fishermen engaged in the herring fishery, should in some measure participate in all such encouragements as parliament shall give to the said fishery; be it therefore enacted, That for all herrings which shall be landed from any boat or vessel, not intitled to the said bounty of twenty shillings *per ton*, and which shall afterwards be properly salted and cured, there shall be paid a bounty of one shilling *per barrel*.

XII. And be it further enacted, That before any bounty granted by this act, shall be paid to the persons intitled to receive the same, every cask or package of herrings on which the

but if the quantity imported exceeds the proportion of two and one half barrels to a ton, or 17 1/2. *per barrel* above that proportion. Quantity to be computed while in the state of sea steaks, 4 barrels of which are to be deemed equal to 3 of herrings twice packed.

To boats, not entitiled to the bounty of 10s. *per ton*, a bounty of 1s. *per barrel* to be paid.

Casks containing herrings intitled to bounty, to be branded.

said bounty shall be demanded, shall be branded, in the sight of the officer of the customs, with an hot iron, in such legible and lasting marks or characters as the commissioners of the customs shall direct, and as may effectually distinguish the casks or packages containing herrings landed from busses or vessels intitled to the said bounty on the tonnage thereof, from such as contain herrings landed from boats or vessels not intitled to such bounty on the tonnage.

Bounties of
4s. and 1s.
per barrel to
be paid as the
bounty of 10s.
per ton.

XIII. And be it further enacted, That the said several and respective bounties of four shillings, and one shilling, for every barrel of herrings imported by any such buss, vessel, or boat respectively, as aforesaid, shall be paid and payable by such and the same person or persons and in such and the same manner as the said bounty of twenty shillings *per* ton shall be paid or payable by and under, and by virtue and according to the true intent and meaning of this act, upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port where the fish, in respect whereof the said bounty shall be payable, shall be entered, and to be verified by the person executing the office of searcher in such port.

To vessels em-
ployed in The
Deep Sea
Fishery, addi-
tional pre-
miums to be
paid, viz. for
the greatest
quantity of
herrings im-
ported in one
vessel, be-
tween June 1,
and Nov. 31,
80 guineas;

for the next
greatest quan-
tity, 60;

for the next,
40;

for the next,
20.

XIV. And, for the encouragement of the fishery usually called The Deep Sea Fishery, on the north and north-east coasts of this kingdom; be it enacted, That from and after the said first day of *June*, one thousand seven hundred and eighty-seven, for the space of seven years, and from thence to the end of the then next session of parliament, over and besides the several bounties herein-before granted, there shall be payable and paid the several premiums or sums following; (that is to say), For the greatest quantity of herrings which shall be caught by the crew of any one buss or vessel, the owner or owners whereof, in respect of such buss or vessel, shall be intitled to the said several bounties of twenty shillings *per* ton, and four shillings, and one shilling *per* barrel, herein-before granted, respectively, and which shall be imported or brought in, by such buss or vessel, between the first day of *June* and the thirty-first day of *November*, in any one year, the premium or sum of eighty guineas; and for the next, greatest quantity of herrings, which shall be so caught, imported, and brought in as aforesaid, the premium or sum of sixty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of forty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of twenty guineas; each of which said several premiums or sums shall be payable and paid at any time or times after the thirty-first day of *November* in every year, by such and the same person, and in such and the same manner, as the said bounty of twenty shillings *per* ton upon the buss or vessel, the owner or owners whereof in respect of such ship or vessel shall be intitled to such premium or sum, shall be paid or payable under or by virtue and according to the true intent and meaning of this act,

upon

upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port where the fish in respect whereof the same shall be payable shall be entered, and to be verified by the person executing the office of searcher in such port.

XV. *And whereas it is highly expedient, as well for the purpose of encouraging the fisheries by an extension of the market, as for that of providing a cheap and wholesome article of food for the support of the poor, that all duties now payable by law on such herrings, cod, ling, and salmon, or other fish caught and cured by British subjects, as are removed for home consumption, except as herein-after is mentioned, should cease and determine; be it therefore enacted, That, from and after the said first day of June, one thousand seven hundred and eighty-seven, all duties, now payable by virtue of any act or acts heretofore made, and now in force, for or in respect of such herrings, cod, ling, hake, and salmon, or other white fish, caught and cured by British subjects, as shall be removed for home consumption (save only and except such equalizing duties as are by this act expressly granted or directed to be continued on salmon, cod, ling, hake, tusk, and other white fish, cured with salt for which the duty hath been paid, and which shall be imported into England from Scotland), shall cease and determine.*

Duties now payable on fish caught and cured for home consumption to cease on June 1, 1787.

XVI. *And whereas, by an act passed in the fifth year of the reign of his late majesty King George the First, intituled, An act for recovering the credit of the British fishery in foreign parts, and better securing the duties on salt, the several bounties, rates, or sums therein and therein-after expressed, were granted and made payable for all such fish therein and therein-after mentioned, as should be exported from any port or place in Great Britain, into parts beyond the seas; (that is to say), For every hundred of cod fish, ling, or hake, except dried cod fish, ling, or hake, (commonly called Haberdine), which should contain in length fourteen inches or upwards, from the bone in the fin to the third joint in the tail, five shillings; and for every hundred weight of dried cod fish, ling, or hake, (commonly called Haberdine), three shillings: and whereas the distinction between the dried cod, called Haberdine, and dried cod not so called, is found to be useless, inasmuch as little less than the whole quantity of dried cod exported, during the last thirty years, hath been shipped as haberdine, and as it also appears that the value of cod in some of the foreign markets is much diminished by that degree of dryness, which gives it the denomination of haberdine; be it therefore further enacted, That, from and after the passing of this act, for all such dried cod, ling, or hake, as under and by virtue of the said act, of the fifth year of the reign of his said late majesty King George the First, or any subsequent act or acts, would (in case this act had not been made) have been intitled to the said bounty of five shillings per hundred thereby granted, there shall be payable and paid the rate or sum of three shillings per hundred weight, in such and the same manner, in every respect, as the*

5 Geo. 1. c. 28, recited.

For such fish as heretofore would have been intitled to 5s. per hundred weight on exportation, no more than 3s. to be paid.

ſaid bounty, rate, or ſum of three ſhillings by the ſaid act granted for every hundred weight of dried cod fiſh, ling, or hake, commonly called *Haberdine*, is or ſhall be payable by force or virtue thereof; and the ſaid bounty of five ſhillings *per* hundred ſhall henceforth be diſcontinued and repealed, and be no longer paid or payable; any thing in the ſaid act of the fifth year of the reign of his ſaid late majeſty King *George* the Firſt, or any other act or acts, to the contrary notwithstanding.

After Oct. 1,
1786. fiſh be
packed in
caſks, not
branded with
the curers
names, to be
forfeited.

XVII. And be it further enacted, That on all barrells and caſks in which any fiſh whatſoever (except freſh fiſh) ſhall, from and after the firſt day of *October*, one thouſand ſeven hundred and eighty-fix, be packed or put up, either for exportation or home conſumption, the reſpective names of the curers of ſuch fiſh ſhall be marked and burnt with iron, in fair, large, legible, conspicuous and permanent characters; and that every barrel or caſk in which any fiſh (except freſh fiſh) ſhall, from and after the time aforeſaid, be packed or put up, and which ſhall not have the name of the curer thereof marked and burnt as aforeſaid, ſhall and may be ſeized and ſecured, by any officer or officers of his Majeſty's cuſtoms; and upon due proof of the fact being made, on oath, before any one of his Majeſty's juſtices of the peace, every ſuch barrel or caſk ſhall, together with the fiſh therein contained, be forfeited and loſt.

After June 1,
1787, the
ſtaves of bar-
rels in which
white her-
rings are
packed for
exportation
muſt be half
an inch thick,
and full
bound, or for-
feited.

XVIII. And be it further enacted, That the ſtaves of every barrel, in which any white herrings or wet white fiſh ſhall, from and after the ſaid firſt day of *June*, one thouſand ſeven hundred and eighty-ſeven, be packed or put up for exportation, ſhall not be of a leſs thickneſs at the bulge than half an inch, and that every ſuch barrel ſhall be full bound, and that every barrel in which ſuch fiſh ſhall be ſo packed or put up, and which ſhall be found to be of leſs thickneſs than as aforeſaid, or not full bound, ſhall and may be ſeized and ſecured by any officer or officers of his Majeſty's cuſtoms; and upon due proof of the fact being made, on oath, before any one of his Majeſty's juſtices of the peace, ſhall, together with the fiſh therein contained, be forfeited and loſt.

Perſons who
have ſerved as
ſeamen or
fiſhermen 7
years in the
fiſheries, en-
titled to the
privileges
granted by
22 Geo. 2 c.
44.

XIX. And, for the better encouragement of the fiſheries, be it further enacted, That every perſon who ſhall, for the ſpace of ſeven ſucceſſive years, have followed the occupation of a ſea-man or fiſherman, on board of any ſhip or veſſel employed in the fiſheries of *Great Britain*, (being a married man), may ſet up and exerciſe any ſuch trade as he is apt and able for, in any town or place within the kingdom of *Great Britain*, without any let, ſuit, or moleſtation of any perſon or perſons whomſoever, for or by reaſon of the uſing of ſuch trade, as freely, and with the ſame proviſions, and under the ſame regulations, and with the like exception in reſpect to the two univerſities of that part of *Great Britain* called *England*, as any mariner or ſoldier may do, by virtue of an act paſſed in the twenty-second year of the reign of his late majeſty King *George* the Second, intituled,

An act to enable ſuch officers, mariners, and ſoldiers, as have been in His Maſteſty's ſervice ſince his acceſſion to the throne, to exerciſe trades.

XX. And be it further enacted, That, from and after the paſſing of this act, it ſhall and may be lawful to and for any perſon or perſons to carry, from any port or place in the united kingdom of *Great Britain*, to any other port or place in the ſaid united kingdom, for home conſumption, any red herrings or white herrings, or any ſalmon, cod, ling, tuſk, or other white fiſh, cured with ſalt, made in any part of *Great Britain*.

Fiſh cured with Britiſh ſalt may be exported from one port to another in the united kingdom for home conſumption.

XXI. And whereas the ſalt, uſed in the cure of ſalmon, cod, ling, hake, tuſk, and other white fiſh, taken on the coaſts of this kingdom, and removed for home conſumption, (ſave only for the cure of ling and hake, taken by the crews of veſſels employed in the white herring fiſhery during their continuance at ſea), is ſubject to the payment of the ſalt duties; and, by reaſon ſuch duties are conſiderably leſs in Scotland than in England, it is juſt and neceſſary that a duty ſhould be paid upon the importation into England, for home conſumption, of cod, ling, hake, ſalmon, and other white fiſh, cured in Scotland with home-made ſalt, for which the duties payable in Scotland for home-made ſalt have been there paid or ſecured, in order to make the ſaid duties payable in Scotland on home-made ſalt uſed in the curing of ſuch fiſh, equal to the duties payable on home-made ſalt uſed in England in the cure of ſuch fiſh for home conſumption; be it therefore further enacted, That the ſeveral rates and duties, which by an act made in the twenty-ninth year of the reign of his late maſteſty King George the Second, intituled, *An act for encouraging the fiſheries in that part of Great Britain called Scotland*, are made payable on the importation into England, of ſalmon, cod, ling, tuſk, and other white fiſh, cured with ſalt made in Scotland, for which the duty hath been there paid or ſecured, ſhall be continued, and the ſame or the like rates and duties ſhall, from and after the paſſing of this act, be extended to, and ſhall be paid and payable for, all ſalmon, cod, ling, hake, tuſk, and other white fiſh, brought from Scotland into any port or place in England for home conſumption, cured in Scotland with ſalt made in any part of *Great Britain*, for which the duty hath been paid or ſecured; and that the ſeveral provisions, regulations, and reſtrictions, in the ſaid act contained or thereby preſcribed, for the entry and clearance of ſuch ſalmon, cod, ling, hake, tuſk, and other white fiſh, cured with ſalt made in Scotland, and for the importation and removal thereof, and for the payment and ſecuring the duties thereby granted in reſpect thereof, and the ſeveral penalties thereby inflicted for any breach, diſobedience, or non-obſervance of the ſaid provisions and regulations, ſhall be obſerved, performed, and enforced, in reſpect to the rates and duties hereby granted, in the ſame manner as if the ſame were here repeated and re-enacted, any thing herein-before contained to the contrary notwithstanding.

Duties payable by 29 Geo. 2. c. 13. on the importation of fiſh cured with ſalt made in Scotland, to be extended to imported fiſh cured with ſalt made in any part of Great Britain, and the regulations of that act extended to this.

XXII. And be it further enacted, That, from and after the paſſing carried from

one port to another in Britain for exportation, on oath being made that they were caught in Britain, and cured with home-made ſalt.

Fish ſo brought coaſtwiſe for exportation to be entitled to the bounties of 5 Geo. 1. c. 18, and to be ſubject to the regulations thereof.

Bounties on exportation of fiſh carried from England to Scotland, to be paid by the cuſtoms in England, on debenture from the officer at the port of exportation.

paſſing of this act, it ſhall and may be lawful to and for any perſon or perſons to carry from any port or place in the ſaid united kingdom of *Great Britain*, to any other port or place in the ſaid united kingdom, for exportation to foreign parts, any red herrings or white herrings, or any ſalmon, cod, ling, tuſk, or other white fiſh, the owner of the fiſh, or maſter of the veſſel, making oath before the chief officer of the cuſtoms, or his deputy (who is hereby required to adminiſter the ſame), that ſuch fiſh were caught in *Great Britain*, or on the coaſt thereof, and cured with ſalt delivered duty-free from ſome part of the ſaid united kingdom of *Great Britain*, and when and where, and to whom the ſaid ſalt was ſo delivered.

XXIII. And be it further enacted, That, from and after the paſſing of this act, all ſuch red herrings, white herrings, ſalmon, cod, ling, tuſk, or other white fiſh, ſo brought or conveyed coaſtwiſe from one port or place of the ſaid united kingdom of *Great Britain* to another, ſhall, upon exportation thereof, or any part thereof, to foreign parts, be intitled to the ſame allowances or bounties as by the ſaid act, paſſed in the fifth year of the reign of his late maſtey King *George the Firſt*, are granted on the exportation of fiſh cured in *Great Britain*, ſuch fiſh being ſubject to the ſame rules and regulations to prevent the relanding or reimporting thereof, after clearance outwards for exportation to foreign parts, and the owner or owners thereof being ſubject to the ſame penalties in caſe of ſuch relanding, or any other fraudulent proceeding, in order to obtain the ſaid bounties, as by the ſaid act are preſcribed or inflicted in regard to fiſh cured and exported from *Great Britain*, any thing in the ſame, or any other act contained to the contrary thereof in any wiſe notwithstanding.

XXIV. Provided always, and be it further enacted, That no allowance or bounty upon ſuch exportation to foreign parts as aforeſaid, of any red herrings, white herrings, ſalmon, cod, ling, tuſk, or other white fiſh, ſo brought or carried coaſtwiſe from any port or place in that part of *Great Britain* called *England*, to any port or place in that part of *Great Britain* called *Scotland*, ſhall be paid in that part of *Great Britain* called *Scotland*; but that the chief officer of the cuſtoms, or his deputy, at the port or place from which ſuch fiſh ſhall be ſo exported to foreign parts, ſhall, upon the requeſt of the perſon or perſons exporting the ſame, and oath made before the ſaid chief officer or his deputy (who are hereby reſpectively empowered to adminiſter the ſame) of the ſhipping of the ſaid fiſh, and its not being relanded, or intended to be relanded, in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the ſaid allowances or bounties; which debenture being produced to the commiſſioners of the cuſtoms, in that part of *Great Britain* called *England*, ſhall entitle the exporter of ſuch fiſh, or his aliſigns, to the payment of the allowances or bounties granted by the ſaid recited act of the fifth year of King *George the Firſt*; and the ſaid commiſſioners are hereby required

required to pay the same out of any money remaining in their hands, arising by any branch of his Majesty's customs, regard being had to the priority of the dates of the said debentures in the payment thereof.

XXV. Provided always, and be it further enacted, That no allowance or bounty upon such re-exportation as aforesaid, of any red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so carried coastwise from any port or place in that part of *Great Britain* called *Scotland*, to any port or place in that part of *Great Britain* called *England*, shall be paid in that part of *Great Britain* called *England*; but that the chief officer of the customs, or his deputy, at the port or place from which such fish shall be so exported to foreign parts, shall, upon the request of the person or persons exporting the same, and oath made before the said chief officer or his deputy, (who are hereby respectively empowered to administer the same), of the shipping of the said fish, and its not being relanded, or intended to be relanded in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the said allowances or bounties; which debenture being produced to the commissioners of the customs, or to the commissioners of the excise, (at the option of the importer, or his assigns), in that part of *Great Britain* called *Scotland*, shall entitle the exporter of such fish, or his assigns, to the payment of the allowances or bounties granted by the said recited act of the fifth year of King *George* the First; and the said commissioners are hereby required to pay the same out of any money remaining in their hands, arising by any branch of his Majesty's customs or excise, regard being had to the priority of the dates of the said debentures in the payment thereof.

Bounties on exportation of fish carried from *Scotland* to *England*, to be paid in *Scotland*, on debenture of the officer at the port of exportation.

XXVI. Provided also, and be it further enacted, That the proprietors or proprietors, of such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, as shall be put on board of any ship or vessel in any port or place in *Great Britain*, to be transported or carried to any other port or place in *Great Britain*, whether for home consumption, or exportation to foreign parts, or his or their respective agent or agents, shall, before such ship or vessel shall depart from the port or place where the same shall be so shipped, make a full and particular entry with the collector, or other principal officer of the customs at such port or place, or his deputy, of the fish so shipped, expressing the number of barrels of wet fish, with the marks and numbers thereof, and the number and weight of each species of dry fish, and declare upon oath that the said fish were cured in *Great Britain*, or on the coast thereof, and whether they were cured with salt delivered duty-free, or with salt for which the duty payable by law hath been paid, or secured, and that the salt used in curing such wet or dry fish respectively was taken on board from some port or place in *Great Britain*, and when and where it was so taken on board; and that no drawback for the same hath been had, or is intended to be had,

Entry to be made, at the port of shipping, of the quantity, etc. where cured, &c.

upon

Officers of the customs to grant certificate of such entry, which is to be delivered by the master previous to his landing the fish, on penalty of forfeiture thereof, etc.

upon the exportation of the said salt, (which oath the said collector, or other principal officer of the customs, or his deputy, is hereby authorised to administer); and is likewise required to grant and deliver to the master of such ship or vessel, without delay, fee, or reward, a certificate or cocket under his hand, that such entry or entries, and oath or oaths, have been duly made; and the master of every ship or vessel wherein such fish shall be shipped to be carried coastwise as aforesaid, or the proprietor or proprietors of such fish, or his or their respective agent or agents, shall, before landing or putting on shore the said fish, or any part thereof, or putting it on board of any other ship or boat in any port or place of Great Britain, deliver the said certificate or cocket to the proper officer of the customs in the port or place where the same shall be imported, brought in, or landed, or put on board of any other ship or boat, upon pain of forfeiting all such fish as shall be so imported, brought in, or landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also double the value thereof, together with all the casks or vessels in which such fish shall be found, the same to be recovered of the importer or proprietor of the fish, or of the master of the ship or vessel in which the same shall be imported and brought in; and all officers, as well of his Majesty's customs, as of the duties upon salt, are hereby authorised and empowered to seize all such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, imported, brought in, landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also the casks or vessels in which any such fish shall be found as aforesaid.

Recital of part of 5 Geo. I. c. 28.

XXVII. *And whereas, by the said recited act of the fifth year of the reign of King George the First, it is enacted, That curers of fish should thenceforth be allowed to take from any salt works, or salt pits, any such quantity of British salt, where the same was allowed by law for the curing of fish for exportation, as they should think proper for curing of fish for foreign markets, without paying any duty to his Majesty for the same, such British salt being taken from the said salt pits, or salt works, and weighed, in the presence of an officer for the duties on salt, and lodged in a warehouse, under the lock and key of the said officer, as well as the proprietor of the said salt, which British salt, so lodged as aforesaid, should remain in the custody of the said officer, jointly with the said proprietor, during the several intervals of the several fishing seasons; The proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the quantity of British salt so lodged by him or them, from time to time as aforesaid, and the said officer keeping an account of every quantity of the said salt so entered and lodged in his custody as aforesaid; such salt to be delivered to the proprietor or proprietors thereof, or his or their agent or agents, for the purposes, and upon the terms and conditions, and in the manner, and to be used, returned, and accounted for, as in the same act is mentioned and directed; and whereas a doubt hath arisen, whether under or by virtue*

of

of the faid laft mentioned act, curers of fifh, in Great Britain, are authorifed to take Britifh falt from any diftant falt works, or falt pits, where the fame is allowed by law for the curing of fifh for exportation, and to fhip and remove the fame coastwife to any other port or place in Great Britain, for the purpofes in the fame act mentioned, and more efpecially whether fuch curers of fifh, as refide in that part of Great Britain called Scotland, are at liberty, under the faid act, or any other act or acts, to remove falt coastwife from any falt pits, or falt works, in that part of Great Britain called England, the exiftence of which doubt bath in many inftances been found detrimental to the faid fisheries; be it enacted, That, from and after the paffing of this act, it fhall and may be lawful to and for the curers of fifh in any part of the united kingdom of Great Britain, to take from any falt works, or falt pits, in Great Britain, fuch quantity of Britifh falt as they fhall think proper, as well for the curing of any kind of fifh for exportation to foreign markets, as for the curing of herrings and other fifh taken in the herring fishery for home confumption, without paying any duty for the fame, and to bring, carry, transport, and remove coastwife, the falt fo taken, to any port or place in Great Britain, fuch curers of fifh, or their refpective agents, before fuch falt fhall be removed from the falt work, or falt pit, entering, at the next office for the duty on falt, the quantity of falt fo intended to be removed, and procuring the fame to be weighed in the prefence of an officer for the duties upon falt before the removal thereof, and alfo making oath in writing before fuch officer (to be by him filed in his office for the duty on falt), declaring the true quantity of fuch falt, and that all the faid falt is intended for the curing of fifh for exportation, or for the curing of herrings, and other fifh taken in the herring fishery for home confumption (as the cafe may be), and that the faid falt is intended to be carried, tranfported, or removed coastwife to fuch a port or place, (naming the fame), and fhall not, by their order, confent, or connivance, directly or indirectly be fold, given away, or any ways delivered but for the purpofe aforefaid; and alfo making a full and particular entry of fuch falt with the proper officer of the customs at the port or place where the fame fhall be, or is intended to be fhipped, for the purpofe of being brought, carried, tranfported or removed coastwife as aforefaid, and alfo giving fecurity to the faid officer, by their bond or obligation, in double the amount of the duties payable by law upon fuch falt, for the due payment of fuch duties; and the proprietor or proprietors of fuch falt fo to be brought, carried, tranfported, or removed coastwife as aforefaid, or his or their agent or agents, fhall, on the arrival thereof at the port or place for which it fhall have been fo fhipped and entered as aforefaid, and before the fame fhall be relanded, make a full and particular entry with the collector, or other principal officer of the customs there, of the falt fo brought in and intended to be relanded, expreffing the true quantity thereof; and alfo making oath in writing, before fuch collector or other officer, that

Salt for the curing of fifh taken in the herring feafon for home confumption, as well as for curing fifh for exportation, may be taken duty-free, etc. on the terms herein fpecified.

Entry to be made at the port of fhipping fuch falt, and bond given;

and like entry to be made at the intended port of relanding it, etc.

that all the ſaid ſalt was ſhipped or taken on board at ſuch a port or place, (naming the ſame), and when the ſame was ſhipped or taken on board, and that all the ſaid ſalt is intended for the curing of fiſh for exportation, or for the curing of herrings and other fiſh taken in the herring fiſhery for home conſumption, (as the caſe may be), and that no part of ſuch ſalt, ſince the ſame was ſhipped, hath been, or ſhall be thereafter, by their order, conſent, or connivance, directly or indirectly ſold, given away, or any ways delivered, but for the purpoſe aforeſaid, and that no drawback for the ſame hath been had, or is intended to be had, upon the exportation of the ſaid ſalt; after which oath the ſaid collector, or other principal officer of the cuſtoms, is required to grant and deliver to the proprietor or proprietors of the ſaid ſalt, or his or their agent or agents, without fee or reward, a certificate, under his hand, that ſuch entry hath been made; upon the production and delivery whereof to the officer of the cuſtoms, to whom ſuch bond ſhall have been given as aforeſaid, ſuch bond ſhall be delivered up to be cancelled; and after ſuch entry and oath made, the proprietor or proprietors of ſuch ſalt, or his or their agent or agents, ſhall be at liberty to reland the ſame in the preſence of the proper officer, and ſuch ſalt, being weighed in the preſence of ſuch officer, and lodged in a warehouſe, under the lock and key of the ſaid officer, as well as of the proprietor of the ſaid ſalt, ſhall be ſecured, managed, ordered, and dealt with, delivered over, and accounted for, in ſuch and the ſame manner as is in and by the ſaid recited act of the fifth year of the reign of King George the Firſt preſcribed or directed, concerning the ſalt thereby allowed to be taken by curers of fiſh for exportation, as aforeſaid, any thing in the ſaid recited act, or in an act made in the twenty-ninth year of the reign of his late majeſty King George the Second, (intituled, *An act for encouraging the fiſheries in that part of Great Britain called Scotland*), or any other act or acts, or any cuſtom or uſage, to the contrary notwithstanding.

XXVIII. Provided always, and be it further enacted, That if any *British* ſalt ſhall be removed from the works or pits, or carried, brought, tranſported, or removed coaſtwiſe, or landed, contrary to the regulations preſcribed by this act, and to the true intent and meaning hereof, ſuch ſalt, and alſo double the value thereof, over and beſides the duties payable for the ſame, ſhall be forfeited, to be recovered of the proprietor or proprietors of ſuch ſalt, or the maſter of the veſſel ſo carrying, bringing, tranſporting, or removing the ſame.

XXIX. And whereas by an act paſſed in the eighth year of the reign of his late majeſty King George the Second, (intituled, *An act for granting and continuing the duties upon ſalt, and upon red and white herrings, for the further term of four years; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices*), it is enacted, That, from and after the time therein mentioned, no foreign ſalt ſhould be delivered over from the joint cuſtody of the officer

Officer of the
cuſtoms to
deliver cer-
tificate of
entry, which
is to cancel
the bond, etc.

Salt carried
coaſtwiſe,
contrary to
this act, to
be forfeited,
with double
its value, be-
ſides the
duties.

§ Geo. 2. c.
73; and

fish and proprietor into the sole custody of the proprietor, or his agent for curing fish for exportation, except he or they should give security to the satisfaction of the chief officer of the salt duty in the port where such salt should be imported, that he or they should and would account for the foreign salt so by him or them to be received, in the terms of, and according to the true intent and meaning of the therein recited acts, made in the fifth and eighth years of the reign of his late majesty King George the First, or should answer the several penalties in the said acts directed to be recovered from the proprietor offending against the said several acts, or either of them: and whereas by an act, passed in the twenty-fifth year of the reign of his present Majesty, (intituled, An act for reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to Jersey, Guernsey, Alderney, and Sark; for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of Glauber or Epsom salts; for restraining fish curers from being dealers in salt; for regulating the exportation of herrings from the Isle of Man; for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt); after reciting that British salt, delivered duty-free, for the curing of fish for foreign markets, was liable to frauds for want of security being given as for foreign salt, when delivered over into the curers sole custody at the beginning of the fishing season, it is enacted, That, from and after the first day of August, one thousand seven hundred and eighty five, on delivering over such British salt from the joint custody of the officer and proprietor, into the sole custody of the proprietor, or his agent, for the curing of fish for exportation, the said proprietor, or his agent, should give security, to the satisfaction of the chief officer of the salt duties, in the port or place where such salt had been lodged, in double the amount of the duties, that he or they should and would account for the same in the terms of, and according to the true intent and meaning of the several acts of parliament made in that behalf, in like manner as the curers of fish then did for foreign salt taken for the curing fish for exportation, by virtue of an act made in the eighth year of the reign of his late majesty King George the Second: and whereas the security usually required by the officer of the salt duties, under and by virtue of the said recited acts of the eighth year of the reign of his late majesty King George the Second, and the twenty-fifth year of the reign of his present Majesty, being the bond of the proprietor himself, and two sureties, in double or treble the amount of the duties payable for the salt in respect whereof such security is taken, hath been found of great inconvenience to the proprietors, and to operate very much to the discouragement of the fisheries; for remedy whereof, be it enacted, That, from and immediately after the passing of this act, whenever any salt, foreign or British, shall be delivered over from the joint custody of the officer and proprietor, into the sole custody of the proprietor or his agent for curing fish for exportation, such proprietor or his agent shall not be obliged or required, under or by force or virtue of his own bond.

25 Geo. 3.
c. 63. in part
recited.

Inconvenience having
arisen from
the two last
recited acts,

salt may
henceforward
be delivered
into the cus-
tody of the
proprietor on
his own bond.

the

the said recited acts of the eighth year of the reign of his late majesty King George the Second, and the twenty-fifth year of the reign of his present Majesty, or either of them, or any other act or acts whatsoever, to give any security, by surety or sureties, for the purposes therein expressed, but his own bond, in double the amount of the duties only, and no otherwise, any thing in the said acts, or any of them, contained to the contrary notwithstanding.

Credit to be given on the back of the bond for the quantity of salt accounted for, etc.

XXX. And be it further enacted, That credit for the quantity or quantities of salt, for which such bond shall be given as aforesaid, which shall have been used and duly accounted for, shall, from time to time, be given by the proper officer on the back of the said bond; and also that, when a proper account shall have been rendered of the whole of the salt specified therein, or the duties paid upon the deficiency thereof, the said bond shall be void, and shall be delivered up and cancelled.

Bonds exempted from stamp duties.

XXXI. And be it further enacted, That no bond or other security, to be given by any taker or curer of fish, or the master or owner of any boat, barge, or vessel employed in the British fisheries, or in the exportation of fish, or in the conveyance of fish from one British port to another, for or in respect of such his occupation or employment, under or by force or virtue of any law or statute now in being, shall be charged or chargeable with any stamp duty whatever, any law, statute, usage, or custom to the contrary notwithstanding.

Officers accepting fees to forfeit treble the value, and to be discharged.

XXXII. And whereas evidence hath been laid before parliament of the pernicious effects which the fees or other perquisites of certain of the officers of his Majesty's customs, especially in Scotland, have produced on the fisheries of this kingdom, and as the requisition of such fees, however sanctioned by long usage, appears, by the orders of the commons in parliament assembled, in the year of our Lord one thousand six hundred and sixty-two, by virtue of an act of the twelfth year of the reign of his late majesty King Charles the Second, to be contrary to the declared intention expressed in the said orders; be it further enacted, That, from and immediately after the passing of this act, it shall not be lawful for any officer or officers of his Majesty's customs, to demand, ask, or accept, any fee or other perquisite for or on account of any transaction relative to any vessel or boat employed in the fisheries, or in the transportation from one place to another of fish, or of salt for the use of the fisheries, or for or on account of the payment of any bounty or debenture on fish; and in case any such officer or officers shall demand, ask, or accept any such fee or other perquisite as aforesaid, he or they (being thereof lawfully convicted) shall forfeit and pay treble the amount or value of the sum of money or other thing so by him or them demanded, asked, or accepted, and shall be forthwith discharged from such office or offices, as he or they shall then hold in his Majesty's customs.

XXXIII. And whereas the fisheries carried on from time immemorial on the coasts of the Isle of Man, by the inhabitants thereof, have proved a fruitful nursery of able seamen for the national service:

and

and whereas, if due and equal encouragement with that granted to his Majesty's other British subjects, were given to the inhabitants of the Isle of Man employed in the said fisheries, they might be further improved and extended, to the advantage of the publick service, and to the increase of the marine, wealth, and force of the kingdom; be it therefore enacted by the authority aforesaid, That, from and after the first day of June, one thousand seven hundred and eighty-seven, the like bounty of one shilling per barrel as above mentioned, shall be paid for all such herrings caught by the inhabitants of the *Isle of Man*, as shall be landed in the said island from any boat or vessel, and shall be afterwards properly salted, cured, and packed, in manner as above directed for British-caught herrings; which said bounty shall be exclusive of all bounties payable on exportation of herrings to foreign parts, and shall be payable and paid, with respect to such herrings as shall be landed in the *Isle of Man*, from and out of the surplusage of the annual customs of the said island, over and above the expenditure and civil establishment of the said island, by the receiver general of the customs thereof for the time being, upon the owners of such herrings complying with, and conforming to, the like rules and regulations, and being subjected and liable to the like penalties in case of relanding, or any other fraudulent practices, in order to obtain such bounty, as are by this act directed with regard to British-caught herrings landed in Great Britain.

XXXIV. And be it further enacted by the authority aforesaid, That, from and after the first day of June, one thousand seven hundred and eighty-seven, all such herrings as shall be caught and cured by the inhabitants of the *Isle of Man*, and exported from thence, or from Great Britain, to foreign parts, shall, upon exportation thereof, or any part thereof, be intitled to the like allowances or bounties of two shillings and eightpence per barrel on white herrings so exported, and of one shilling and ninepence per barrel on red herrings so exported, as by an act, passed in the fifth year of the reign of his late majesty King George the First, (intituled, *An act for recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt*), are granted on the exportation of white and red herrings respectively; which said allowances or bounties shall, on such white or red herrings exported directly from the *Isle of Man* to foreign parts, be payable from and out of the same funds, and in the same manner respectively, as in this present act is provided and directed with respect to the bounty on the landing of herrings in the *Isle of Man*, caught and cured by the inhabitants thereof, as above mentioned; and such allowances or bounties on exportation to foreign parts of white and red herrings respectively, caught and cured by the inhabitants of the said island, and exported from Great Britain to foreign parts, shall, on the owner or owners thereof producing due and proper certificates, signed by the collector, comptroller, or other chief officer of his Majesty's revenue of the said island,

From June 1, 1787, the bounty of 1 s. per barrel to be paid to the inhabitants of the *Isle of Man* for herrings caught and cured by them in terms of this act;

and on exportation thereof to be allowed the bounties granted by 5 Geo. 1. c. 18.

to be paid, if exported from the *Isle of Man*, as the bounty of one shilling per barrel is payable there; and if from Great Britain, as the bounty on exportation from Britain, and under the like regulations.

of such owner or owners having taken the like oaths, and of their having conformed to the like provisions and regulations; as by this act are directed in the case of herrings cured in *Scotland*, and exported from *England*, and of herrings cured in *England*, and exported from *Scotland*, be payable from the same funds, and be issued and paid under and subject to the like conditions, restrictions, and regulations, and with the like penalties in case of relanding such herrings, or in case of any other fraudulent practices in order to obtain the said bounties, as by the said recited or by this present act are provided, prescribed, and inflicted, in regard to herrings cured in, and exported from, any part of *Great Britain*, any thing to the contrary thereof in any wise notwithstanding.

Duties now payable on the importation of herrings from the Isle of Man to cease.

Penalties on officers taking fees to extend to the fisheries of the Isle of Man.

34 Geo. 3. c. 58, in part recited.

XXXV. And be it further enacted by the authority aforesaid, That all duties which are at this time payable by law on such herrings as are caught and cured by the inhabitants of the *Isle of Man*, and imported into *Great Britain*, shall, from and after the passing of this act, cease and determine.

XXXVI. And be it further enacted by the authority aforesaid, That the like restrictions and penalties as are herein before mentioned and provided, with regard to officers asking or accepting of any fee or perquisite for or on account of any transaction relative to the fisheries, shall be, and the same are hereby declared to be extended, in the most full and ample manner, to the fisheries of the *Isle of Man*.

XXXVII. And whereas by an act, made in the twelfth year of the reign of his present Majesty, (intituled, An act for the further encouragement of the herring fishery on the coasts of the *Isle of Man*; and for obviating a doubt which has arisen with respect to the allowing the bounties upon the *British* white herring fishery in the year one thousand seven hundred and seventy-one), any sort of herrings caught upon the coasts of the *Isle of Man*, and cured there, are allowed to be imported and brought into any part of *Great Britain*, upon payment of the duties therein mentioned, the master, or other person having the charge of the ship so importing such herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that oath had been made before him or them, in the presence of the officer of the customs for the port or place where such herrings were put on board, that the same were bona fide taken on the coasts of the *Isle of Man*, and cured there; which certificate or certificates were also to be attested by the said officer of the customs, and to express the number of barrels, and quantity of such herrings respectively, and the marks of the package expressed in the bill or bills of lading, with the name or names, place or places of abode, of such person or persons as shall have made the oath thereby directed, and where and to whom such herrings shall be consigned in *Great Britain*: and whereas such herrings are frequently exported from parts of the said island so distant and remote from the place of residence of the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that the exporters thereof cannot, without

great

great inconvenience and expense, make the proof, and obtain the certificate required by the said recited act: now, for the remedy thereof, be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, the said oath, required by the said recited act to be taken before the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, shall and may be administered by the collector, comptroller, or other chief officer of the revenue, at the port or place in the said island where such herrings shall be shipped or loaded, who is and are hereby respectively authorised and required to administer the same, and to grant a certificate thereof in the form and to the effect required by the said recited act, under his hand and seal of office; any thing in the said recited act to the contrary thereof notwithstanding.

From Aug. 2, 1786, the oath required by the recited act may be administered by the revenue officer at the port in the Isle of Man where herrings are shipped, &c.

XXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs, and they are hereby authorised and required to make such addition to the present salaries of the officers, whose incomes shall be reduced by the abolition of such fees, or other perquisites as aforesaid, in lieu of, and by way of compensation and satisfaction for the same, as they in their discretion (having regard as well to the creditable subsistence of the officer as publick oeconomy), shall judge necessary, and so order or direct; any thing in this present act, or in any other act or acts contained to the contrary notwithstanding.

Commissioners of customs may add to the salaries of officers in consideration of the abolition of fees.

XXXIX. And be it further enacted, That if any person or persons do presume to counterfeit, erase, or alter any certificate, debenture, or cocquet, by this act directed to be made, or shall use any such certificate, debenture, or cocquet, knowing the same to be so counterfeited, erased, or altered, such person or persons shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of forgery.

Persons counterfeiting certificates, &c. to be punished as forgers.

XL. And be it further enacted, That if any person, in making any oath directed or required to be made by this act, shall wilfully and falsely swear any matter or thing which, if the same had been sworn in any cause or suit depending in any of his Majesty's courts would have amounted to wilful and corrupt perjury; every person so offending, and being thereof lawfully convicted, shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of wilful and corrupt perjury.

Persons making false oaths to be deemed guilty of perjury.

XLI. And be it further enacted, That all the penalties and forfeitures herein-before given by this act, shall be distributed in manner following, that is to say, One moiety thereof to his Majesty, his heirs and successors, and the other moiety to any person or persons who shall seize, inform, or sue for the same, and shall be sued for, recovered, levied, prosecuted, and determined, by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in

How penalties are to be applied and recovered.

Scotland, respectively, wherein no essoin, protection, privilege, waiver of law, or more than one imparlance, shall be allowed.

XLII. And be it further enacted, That if any person or persons shall happen to be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall or may plead the general issue, and give this act, and the special matter in evidence; and if upon trial a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited; discontinue, or forbear prosecuting such action or actions; then such defendant or defendants shall be intitled to double costs against such plaintiff or plaintiffs, for which he or they shall have the like remedy as a defendant can have in any case where costs are given him by law.

1 Geo. 1. c. 28; and

9 Geo. 2. c. 33. recited.

XLIII. And whereas, by virtue of an act passed in the first year of the reign of his late majesty King George the First, intituled, An act for the better preventing fresh fish, taken by foreigners, being imported into this kingdom, and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbot in foreign bottoms; and for the better preservation of salmon within several rivers in that part of this kingdom called England: and also, of an act passed in the ninth year of the reign of his late majesty King George the Second, intituled, An act to render the law more effectual for preventing the importation of fresh fish taken by foreigners; and to explain so much of an act made in the thirteenth and fourteenth year of the reign of King Charles the Second, as relates to ships exporting fish to the ports of the Mediterranean Sea; and for the better preservation of the fry of lobsters on the coast of Scotland; no herring, cod, pilchard, salmon, or ling, fresh or salted, dry or bloated, nor any grill, mackerel, whiting, haddock, sprats, coal-fish, gull-fish, tongers, or any sort of flat fish, nor any other sort of fresh fish whatsoever (except turbot and lobsters), can be legally imported into, sold, or exposed to sale in that part of this kingdom of Great Britain called England, which shall be taken by, bought of, or received from, any foreigner or foreigners, or out of any stranger or strangers bottom (except protestant strangers), inhabiting this kingdom; and every person offending by such illegal importation, sale, or exposure to sale, is liable to forfeit and pay the sum of one hundred pounds, to be recovered by any informer, in any of the courts in Westminster Hall, and to be distributed and disposed of in the manner following (that is to say); One moiety thereof to the informer, and the other moiety thereof to the poor of the parish where such offence shall be committed; and the master or commander of every such smack, barge, yawl, boat, ship, or other vessel, in which any fish shall be so illegally imported, or brought to shore, is also liable to forfeit and pay the sum of fifty pounds, to be recovered by any informer, and to be disposed of as aforesaid; provided that no person shall incur any such penalty or forfeiture, unless the prosecution for the same be commenced within twelve months after the offence committed: and whereas the provisions made by the said recited acts are found, by experience, to be ineffectual, and not sufficient to restrain ill-disposed persons

persons from buying and receiving fresh fish (other than turbot, haddock, and eels) from foreigners or strangers, and importing and selling such fish in this kingdom, contrary to the tenor and express meaning of the said acts; and, by reason of the great delay and expense attending the prosecution of the offenders, and the great difficulty of procuring sufficient evidence for the recovery of the said penalties under the said acts, persons are discouraged from suing for such penalties, and the said offenders escape with impunity: for remedy whereof, and to the intent a practice so injurious to the British fisheries, and so obviously detrimental to the naval interests of this kingdom, may be the more effectually suppressed and prevented, be it further enacted, That if, upon complaint or information, upon oath, made before any two justices of the peace (having competent jurisdiction in this behalf), it shall appear that such officer or officers doth or do know, or is or are credibly informed, or hath or have cause to believe or suspect, that any fish hath been imported or brought into, or sold or exposed to sale, in the port of London, contrary to the tenor and true intent and meaning of the said recited acts of the first year of the reign of King George the First, and the ninth year of King George the Second, and of this present act, or any of such acts, it shall and may be lawful to and for the said justices to summon the person or persons who shall be charged by such complaint or information, to appear before them, at a time and place to be specified in the summons; and in case the party or parties so summoned shall not appear according to such summons, then, upon due proof made of the service of such summons, either personally, or by leaving the same at his or their dwelling-house, lodging, or other usual place of abode whilst the party or parties shall be on shore, or not being on shore, with some person in the ship or vessel to which he or they shall then actually belong, to cause such party or parties to be apprehended, by warrant or warrants under the hands and seals of such justices, and to be brought before them at such time and place as shall be specified in and by such warrant or warrants; and thereupon, whether such party or parties shall appear upon such summons, or be apprehended as aforesaid, such justices shall and may proceed to hear the matter of such complaint or information; and to adjudge and determine the same.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said justices, before whom any such complaint or information shall be made as aforesaid, to summon before them any seaman, fisherman, or other person, who shall, in or by such complaint or information, appear to be a necessary witness as to the matter thereby charged, to appear before them, at a time and place to be specified in the summons; and in case such seaman, fisherman, or other person, shall not appear according to such summons, then, upon due proof made of the service of such summons in manner aforesaid, to cause such seaman, fisherman, or other person, to be apprehended by warrant under the hands and seals of such justices, and to be brought before them, and thereupon, whether such seaman, fisherman,

If officers suspect fresh fish to have been imported into London contrary to 1 Geo. I. c. 28; 9 Geo. 2. c. 33. and this act, two justices may summon the parties, and determine the complaint.

Witnesses refusing to attend may be apprehended, and giving false evidence to be committed for a year to gaol.

or other perſon, ſhall appear upon ſummons, or be apprehended as aforeſaid, ſuch juſtices ſhall and may proceed to examine him upon oath as to the matter of ſuch complaint or information; and in caſe ſuch ſeaman, fiſherman, or other perſon, ſhall wilfully reſuſe to be ſworn, or to give evidence therein, or ſhall evidently wilfully forſwear himſelf, or prevaricate in his evidence, it ſhall and may be lawful to and for ſuch juſtices, by warrant under their hands and ſeals, to commit ſuch ſeaman, fiſherman, or other perſon ſo reſuſing to be ſworn, forſwearing himſelf, or prevaricating as aforeſaid, to the common gaol of the county or place in or for which ſuch juſtices ſhall then act, to remain for the ſpace of one whole year, without bail or mainprize.

Written evidence to have the force of viva voce examination.

XLV. And be it further enacted, That the examination of every perſon ſo to be examined as a witneſs as aforeſaid, ſhall be taken down in writing by or before the ſaid juſtices; and in caſe the party or parties, charged by ſuch complaint or information, cannot be made to appear at the time of ſuch examination, and ſuch witneſs cannot be made to attend when ſuch party or parties ſhall appear, then and in ſuch caſe ſuch examination in writing ſhall and may be read and made uſe of, and ſhall have the ſame force and effect as if ſuch witneſs were then actually preſent and examined *viva voce*.

How penalties incurred under recited part of Geo. 2 c. 33. are to be recovered and ſpported,

XLVI. And be it further enacted, That the aforeſaid ſeveral pecuniary penalties, by the ſaid in part recited act of the ninth year of the reign of King George the Second granted or impoſed, ſhall be recoverable by and before any two juſtices of the peace for any county, diſviſion, or place, on due proof and conviction of the offence by the oath of any credible witneſs, or by confeſſion of the offender or offenders, and that the whole of ſuch penalty or penalties ſhall belong to the informer or informers making or laying ſuch complaint or information as aforeſaid; and in caſe of the nonpayment of ſuch penalty or penalties, with the charges incident to ſuch conviction, immediately upon ſuch conviction, the ſame penalty or penalties and charges ſhall be levied by diſtreſs and ſale of the goods and chattels of ſuch offender or offenders, by warrant or warrants under the hands and ſeals of the juſtices before whom he or they ſhall have been convicted; and for want of ſufficient diſtreſs, the offender or offenders ſhall be ſent by the ſame juſtices to the common gaol of the county, diſviſion, or place, in or for which they ſhall reſpectively act, there to remain for the ſpace of one whole year, without bail or mainprize, unleſs ſuch penalty or penalties ſhall be ſooner paid; any thing in the ſaid laſt mentioned acts, or either of them, or any other act or acts, contained to the contrary notwithstanding.

XLVII. And, to the end that the perſon or perſons convicted of any offence for which any ſuch pecuniary penalty, as laſt aforeſaid, is by this act made recoverable, may not by flight or removal after ſuch conviction evade imprisonment, where ſuch penalty ſhall not be paid upon his or their conviction; be it further enacted, That it ſhall and

and may be lawful for the juftices before whom any fuch offender or offenders fhall be fo convicted as aforefaid, immediately after fuch conviction to order fuch offender or offenders into cuftody (in cafe the faid penalty or penalties due on fuch conviction be not immediately paid), during fuch time not exceeding forty-eight hours, as fuch juftices fhall think proper to allow for the return of the warrant for levying fuch penalty by diftreff and fale as aforefaid.

and if not paid upon conviction, the parties may be imprifoned 48 hours, to give time for levying by diftreff.

XLVIII. Provided always, and be it further enacted, That if it fhall appear to the fatisfaction of the juftices before whom any fuch offender fhall be convicted as aforefaid, either by the confeffion of the party convicted, or other witnefs, that fuch party hath not goods or chattels fufficient to answer the penalty or penalties by him incurred, then, and in fuch cafe, the fame juftices fhall and may, without iffuing any warrant of diftreff, commit the party fo convicted, as if fuch warrant had actually iffued, and a return of *nulla bona* been made thereon.

In cafe of infufficiency of goods, the parties may be committed.

XLIX. Provided alfo, and be it further enacted, That if any fuch offender, ordered to be committed to prifon under or by virtue of this act, fhall, before his actual commitment to prifon, procure fecurity to be given by two fufficient fecurities, to the fatisfaction of the juftices before whom he fhall have been convicted, for payment of the penalty or penalties by him incurred, with the charges incident to his conviction, within the fpace of fourteen days, exclusive of the day of conviction; then, and in fuch cafe, it fhall and may be lawful for fuch juftices to accept fuch fecurity, and upon nonpayment thereof, at the time ftipulated for that purpofe, it fhall and may be lawful for the fame juftices, or any other juftices of the peace for the fame county, divifion, or place, to caufe the party convicted, and his fureties, to be apprehended by warrant or warrants under their refpective hands and feals, and them to commit to the common gaol of the county, divifion, or place, in or for which fuch juftices fhall act, for fuch fpace of time as the party convicted was fubject and liable to have been imprifoned, in cafe no fuch fecurity had been given, unlefs fuch penalty and charges fhall be fooner paid.

Security for penalties may be accepted, and if not fulfilled, the party convicted and his fureties may be imprifoned.

L. Provided alfo, and be it further enacted, That if any perfon or perfons fo convicted as aforefaid fhall think himfelf or themfelves aggrieved, by the judgement or determination of any juftices of the peace, upon any complaint or information in purfuance or by virtue of this act, it fhall and may be lawful to and for fuch perfon or perfons, within the fpace of three calendar months then next enfuing, to appeal to the general or quarter feflions of the peace to be held for the county, divifion, or place, in or for which fuch juftices fhall have acted, fuch perfon or perfons fo appealing giving, and being hereby required to give, at leaft fix days notice to the informer or informers of fuch his, her, or their intention to bring fuch appeal, and of the matter thereof, and fhall, with two fufficient fureties, enter into recognizance before fome juftice or juftices of the peace for the fame

Parties convicted, on finding two fureties, may appeal to the general or quarter feflions; and if the conviction be affirmed, to pay double cofts.

county, division, or place, to appear and prosecute such appeal at the said general or quarter sessions, and abide by the order or determination of the same court, and to pay the costs and charges thereby awarded against such person or persons, (if any); and every such appeal shall by the said court of general or quarter sessions be examined, and the circumstances of the case fully enquired into, and the matter finally heard and determined; and in case such judgement, determination, or conviction, so appealed against, shall be affirmed, the party so appealing shall pay unto the informer or informers double costs, to be ascertained by the order of the same court.

Persons having paid the penalty, or being imprisoned, not to find sureties.

LI. Provided also, and be it further enacted, That in case the person or persons so intending to appeal shall have paid the penalty, under any such conviction as aforesaid, into the hands of the said justices by way of deposit, or shall be then imprisoned, such person or persons shall and may appeal to the said general or quarter sessions within the time aforesaid, on his or their entering (without sureties) into such recognizance as herein-before mentioned, and remaining in prison in the mean time, or depositing such penalty into the hands of the said justices, there to remain until the merits of the said appeal shall be heard and determined.

No judgement of the justices to be set aside for want of form, or removed by *Certiorari*.

LII. Provided also, and be it further enacted, That no such conviction made, or judgement given as aforesaid, shall be set aside by the said court of general or quarter session for want of form, or through the mis-stating of any fact, circumstance, or other matter whatsoever, provided the material facts alleged in such conviction or judgement, and on which the same shall be grounded, be proved to the satisfaction of the said court, nor shall any such conviction or judgement, or any order or proceedings of the said court, be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or custom to the contrary notwithstanding.

Actions for offences against 1 Geo. 1. c. 18. & 9 Geo. 2. c. 33. may be commenced within 12 months.

LIII. Provided also, and be it further enacted, That every prosecution in pursuance or by virtue of this act, for any offence against the said several acts of the first year of the reign of King *George the First*, and the ninth year of the reign of King *George the Second*, or either of them, shall and may be commenced within the space of twelve calendar months from the time whereat such offence shall have been committed; any thing in the said acts, or either of them, contained to the contrary notwithstanding.

The powers of former acts to remain in full force, except such as are hereby repealed.

LIV. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be implied or construed to extend, to repeal or alter any act or acts now in force, or any of the clauses or provisions therein contained, or take away, abridge, lessen, or affect any of the powers or authorities thereby given or granted respectively, for settling or regulating the mode or course to be observed in sitting out for any fishery, or clearance outwards, or entry inwards, or the discharge of any
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bufs or fishing vessel, or in cellaring, securing, shipping, reshipping, or relanding any salt, to be used for the salting or curing of fish, or in fishing for, catching, salting, curing, storing, landing, removing, marking, or exporting any fish whatsoever, or in the payment or allowance of any bounties thereby respectively granted, on the tonnage or burthen of any bufs or vessel, or on any fish to be exported, save only and except so far as any such act or acts, or the clauses, provisions, powers, or authorities therein contained or granted, are specifically or expressly repealed, revoked, altered, or controuled by this present act, or repugnant to any of the provisions herein contained; but that all and singular the said former acts, and the bounties thereby granted, and the several rules, regulations, powers, and authorities therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-observance of the same, except as aforesaid, shall remain and continue in the same force and effect as if this act had not been made; any thing herein contained to the contrary notwithstanding.

C A P. LXXXII.

An act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, parchment, and paper; and for repealing certain stamp duties on policies for insuring property in any foreign kingdom or state from loss by fire.

FOR the more effectually carrying into execution the laws now in force relating to the duties under the management of his Majesty's commissioners for managing the duties on stamped vellum, parchment, and paper, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, wheresoever any person shall be convicted before a justice or justices of the peace for any offence to be hereafter committed against any act or acts of parliament now in being, or hereafter to be made, touching or concerning any the duties under the management or care of the said commissioners for managing the duties on stamped vellum, parchment, and paper, by which any pecuniary penalty or sum of money shall be forfeited, the said justice or justices of the peace before whom such person shall be convicted of the said offence, shall levy the said pecuniary penalty or sum of money in such manner as in such act or acts of parliament is contained, and apply the same to such uses and purposes, and in such proportions, as are therein contained and expressly directed, in case the same act or acts of parliament, or any other act or acts of parliament relating thereto, shall expressly direct the application thereof; and in default of such express and sufficient directions in such act or acts of parliament for the application of the said pecuniary penalty, or

From July 5, 1786, where penalties are not directed to be applied by former acts, they are to be applied as herein directed.

sum of money so forfeited upon such conviction as aforesaid, then to apply the same in such manner as is herein-after directed.

One moiety of penalties to be to the informer prosecuting within six months, and the other to his Majesty.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, one moiety or half part of all pecuniary penalties or forfeitures which shall be incurred by any person or persons for any offence hereafter to be committed against any law now in being, or hereafter to be made, touching or concerning any the said duties (except where a different mode of application is or shall be in the said law specially prescribed) shall belong, and be applied to the informer or informers prosecuting for the same within the space of six calendar months after such offence is committed, and the other moiety or half part of the said pecuniary penalties or forfeitures (the necessary charges for the recovery thereof being first deducted) shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-after directed.

But no part of the penalties to belong to informers not prosecuting in limited time.

III. Provided always, and be it further enacted by the authority aforesaid, That every distribution or division of any pecuniary penalty or forfeiture, directed to be made by this or any other act or acts of parliament touching any of the said duties, upon conviction before a justice or justices of the peace as aforesaid, shall be, and is hereby restricted and confined to the prosecuting for the same within the time herein-before limited; and that in default of such prosecution within the time aforesaid, no informer or informers before a justice or justices of the peace as aforesaid, shall have or be entitled to any part or share of such penalty or forfeiture, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable by any the ways and means in or by any such act or acts of parliament in that behalf directed; any thing in this, or any the said acts, contained to the contrary notwithstanding.

his Majesty's share of penalties to be paid to the receiver-general of stamps, who is to pay the same into the exchequer by Aug. 1, annually, to be applied as former penalties.

IV. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, all penalties or forfeitures, and shares of penalties or forfeitures, which shall be due or payable to his Majesty, his heirs or successors, by virtue of this or any of the said acts of parliament, or any other act or acts of parliament now made, or hereafter to be made, touching any the said duties, shall, from time to time, be paid into the hands of the receiver-general of the duties on stamped vellum, parchment, and paper, for the time being, (or some other person to be authorised by the said commissioners, or the major part of them, to receive the same), who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer on or before the first day of *August*, in every year, unless the same shall be a *Sunday* or holiday, and then on the day following which shall not be an holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies

monies arising from the penalties or forfeitures due or payable to his Majesty, his heirs or successors, for any offence or offences committed against any act or acts of parliament now or hereafter to be made touching any of the said duties on stamped vellum, parchment, or paper, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said monies so to be paid into the said receipt of exchequer as aforesaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner, and to such purposes, as the said penalties and forfeitures were paid or applied, or ought to have been paid or applied, before the making of this act, and to no other use, intent, or purpose whatsoever.

V. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, in all cases where any pecuniary penalty or forfeiture for any offence committed against this, or any act or acts of parliament now or hereafter to be made, touching any the duties under the management or care of the said commissioners for managing the duties on stamped vellum, parchment, and paper, shall be incurred, it shall and may be lawful for the justice or justices of the peace, before whom any person or persons shall be convicted of the said offence, to cause the conviction upon the same offence to be made out in the form, or to the effect following, *mutatis mutandis*, as the case shall happen to be; any thing in any former act contained to the contrary thereof notwithstanding; and every such conviction shall be good and effectual to all intents and purposes whatsoever, without stating the case or the facts or evidence in any more particular manner; that is to say:

BE it remembered, *That on the* *day of* Form of conviction.
in the *A. B. of*
was duly convicted before me *C. D. one of his*
Majesty's justices of the peace for the county of
(or before us C. D. and E. F. two of his Majesty's justices of the
peace for the county of *as the case shall hap-*
pen to be), in pursuance of an act, passed in the
year of the reign of *for that the said A. B. on*
the *day of* *now last past, did*
(here state the offence against the act, as the case shall happen
to be), contrary to the form of the statute in that case made and pro-
vided; and I (or we, as the case may be) do declare and adjudge
that be the said A. B. hath forfeited, for his said offence, the sum of
of lawful money of Great Britain, which sum
of *I (or we, as the case may be) do hereby*
mitigate to the sum of *(here state the miti-*
gated penalty, if necessary) to be distributed as the law directs.
This is the first, second, or other offence, (as the case shall happen
to be).

Given

Given under my hand and feal, (or, our hands and feals, as the cafe may require), this day of

Convictions to be filed by the clerk of the peace, and not removeable by Certiorari, but subject to appeal to the quarter sessions.

Which conviction the said justice shall cause to be wrote fairly upon parchment, and returned to the next general quarter sessions of the peace for the county, riding, shire, stewartry, or place, where such conviction was made, to be filed by the clerk of the peace, and there to remain and be kept among the records of the same county, riding, shire, stewartry, or place; and no such conviction shall be removed by Certiorari, into any court whatsoever, but shall be subject to appeal before the justices of the quarter sessions, in such manner as in and by any such act or acts of parliament is specially directed.

VI. *And whereas great difficulties have frequently arisen upon the trial of divers informations, indictments, and other prosecutions for offences committed against his Majesty's revenue on stamped vellum, parchment, and paper, by requiring strict proof of the commissions, deputations, or other authorities under which the said commissioners, and the officers, and other persons appointed and employed by them to carry the same into execution, have acted; for remedy thereof, be it*

From Aug. 1, 1786, in prosecutions where offenders may be deemed guilty of felony, it shall be sufficient to prove the evidence acted under the commissions, without producing his deputation.

further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, if upon trial of any information, indictment, or other prosecution, for any offence committed against any act or acts of parliament touching or concerning the said duties; or any of them, whereby any person or persons shall or may be deemed or construed to be guilty of felony; any question shall arise, whether any person be an officer of his Majesty, his heirs or successors, of or for any of the said duties, or whether any person hath been employed by the said commissioners for managing the said duties, or the major part of them, to make or provide any dies or stamps to denote the said duties, or any of them, or to repair, renew, or alter the same, or any of them, in every of the said cases, proof shall and may be made and admitted, that such person was reputed to be, and had acted in, and in fact exercised such office or employment, and at the respective time and times when the matter or matters in controversy upon such trial or trials shall happen to have been done or committed, without producing or proving the particular commission, deputation, or other authority, whereby such officer or other person was constituted, appointed, or employed; and that in every such case such proof shall be deemed and taken, by the judges or justices before whom any such trial shall be had, to be good and legal evidence, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary thereof notwithstanding.

His Majesty's liege of penalties, to be paid to the receiver-general of stamps, who is to pay the same into the exchequer by Aug. 1, usually, to be applied as a mer penal-

so provisions of 25 Geo. 3. c. 50, recited, and repealed as far as relates

VII. *And whereas, in and by an act made in the last session of parliament, intituled, An act for repealing an act made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game, and for granting other duties in*

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lieu thereof, it was provided, That, from and after the first day of July, one thousand seven hundred and eighty-five, it should and might be lawful for any one or more justice or justices of the peace of the county, riding, shire, stewartry, division, city, liberty, or place, wherein any offence or offences against the said act should be committed, and such justice and justices was and were thereby required, upon information or complaint to him or them made, to summon the party or parties accused, and also the witnesses on either side, to appear before him or them, and upon the appearance of the party or parties accused, or in default of his, her, or their appearance according to such summons, to proceed to hear and determine the matter in a summary way; and upon due proof made thereof, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by the said act is directed, and to award and issue out his warrants, under his hand and seal, for the levying any pecuniary penalty and forfeitures so adjudged, on the goods of the offender, and to cause sale to be made thereof in case they should not be redeemed within six days, rendering to the party the overplus, (if any); and where sufficient goods of such offender could not be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, unless such penalty should be sooner paid and satisfied: and in and by another proviso of the said act it was provided and enacted, That nothing in the said act contained should extend, or be construed to extend, to subject any person or persons whatsoever to a longer imprisonment than three calendar months, for nonpayment of any fine or penalty to be imposed under the authority of the said act: now, to obviate any doubts which have arisen, or may arise, on the meaning of the said act, be it further enacted by the authority aforesaid, That the said proviso last abovementioned, and every matter and thing therein contained, and also so much of the said proviso first above mentioned which relates to the time for which the offender is to be committed, and which authorises or requires the justice or justices of the peace, before whom any offender shall be convicted of any offence against the said act, where sufficient goods of such offender cannot be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, shall be, and are, and each of them, (as to such part thereof as aforesaid) shall be, and is hereby repealed; and that, from and after the passing of this act, it shall and may be lawful for any such justice or justices of the peace as aforesaid, before whom any such offender shall be convicted of any offence against the said act of the last session of parliament, to levy any pecuniary penalties and forfeitures, adjudged by virtue of the said act, in such manner as is therein directed, all which penalties and forfeitures so adjudged shall be divided and distributed according to the directions of this act before specified; and that where sufficient goods of such offender cannot be found to answer the penalty, and the same shall remain unpaid, to commit such offender

to the time of commitment of offenders, where they have not sufficient goods to answer penalties.

If penalties be not paid, the party to be committed

for three months, and no longer.

ſender to the common gaol or houſe of correction, there to remain for the ſpace of three calendar months, unleſs ſuch penalty ſhall be ſooner paid and ſatisfied, and no longer; any thing in the ſaid act contained to the contrary hereof notwithstanding.

Laws now in force, except hereby repealed, to be put in execution.

VIII. Provided always, and be it further enacted by the authority aforeſaid, That all and every law and ſtatute now in force, touching any the ſaid duties, and every article and thing in them contained, and not herein and hereby altered or repealed, ſhall be duly put in execution according to the tenor of the ſaid laws, and under the penalties therein contained, to be raiſed, levied, and diſpoſed of as therein and thereby are directed.

22 Geo. 3. c. 48, recited, and the duty of 1s. 6d. for every 100l. insured, thereby laid, to ceaſe from July 5, 1786, on inſurances of foreign property from abroad.

IX. And whereas by an act, made in the twenty-second year of the reign of his preſent Maſteſty, intituled, An act for charging a duty on perſons whoſe property ſhall be inſured againſt loſs by fire, it is enacted, That there ſhall be raiſed, levied, collected, and paid, throughout Great Britain, unto and for the uſe of his Maſteſty, his heirs and ſucceſſors, the yearly ſum of one ſhilling and fixpence upon every ſum of one hundred pounds, and ſo in proportion for any greater or leſs ſum, that is or ſhall be inſured by any perſon or perſons, in or by any policy of inſurance for inſuring houſes, goods, wares, merchandizes, or other property, from loſs by fire: and whereas it is thought expedient to exempt all policies for inſuring foreign property from loſs by fire from the ſaid yearly duty; be it therefore enacted, That, from and after the fifth day of July, one thouſand ſeven hundred and eighty-fix, the ſaid yearly rate or duty upon all ſums of money that are or ſhall be inſured by any perſon or perſons, in or by any policy of inſurance made in Great Britain, for inſuring of any houſe or houſes, furniture, goods, wares, merchandizes, or other property, within any foreign kingdom or ſtate in amity with his Maſteſty, his heirs or ſucceſſors, ſhall ceaſe and determine, and be no longer paid or payable; any thing in the ſaid recited act contained to the contrary thereof notwithstanding.

Unappropriated duties, etc. in the hands of the receiver general for ſtamps, to be carried to the ſinking fund.

X. And whereas there are in the hands of the receiver general of the ſtamp duties ſeveral ſmall ſums of money received by him on account of duties and penalties, not applicable, by any law now in force, to any particular uſe or purpoſe, and which cannot be paid into the receipt of the exchequer under any head of account; be it therefore enacted, That all ſuch ſums of money as are now in the hands of the ſaid receiver general of the ſtamp duties ſhall be paid by him into the receipt of the exchequer, and the money ſo paid in ſhall be carried to, and made part of, the fund commonly called The Sinking Fund.

Clause of 23 Geo. 3. c. 58, relative to ſtamps on transfers of ſtock, recited,

XI. And whereas by an act, paſſed in the twenty-third year of the reign of his preſent Maſteſty, intituled, An act for granting to his Maſteſty ſeveral additional and new duties upon ſtamped vellum, parchment, and paper; and alſo for repealing certain exemptions from the ſtamp duties, it was enacted, That, for every ſkin or piece of parchment, or ſheet or piece of paper, upon which

which shall be engrossed or written any transfer of stock in any company, society, or corporation within Great Britain, there shall be charged an additional stamp duty of two shillings and three-pence : and whereas doubts have arisen whether transfers or assignments of the stocks, or of any share or part of the capital stocks, in the books of the governor and company of the bank of England, commonly called Bank Stock, and of the governor and company of merchants of Great Britain trading to the South Seas, and other parts of America, and for encouraging the fishery, are not made subject or liable to pay the said additional stamp duty, it is hereby enacted and declared, That no transfer or assignment of the said stocks, or of any part or share therein respectively, in the respective books of the said companies, are or shall be liable to any higher or greater stamp, or other duties, than were payable for any transfer or assignment of any share or part in or of the said stocks before the passing the said act, or shall be deemed or construed so to be or to have been, any thing in the said act to the contrary notwithstanding.

which is not to extend to transfers of Bank or South Sea Stock.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. LXXXIII.

An act to explain and amend an act, passed in the seventh year of the reign of his present Majesty, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex.

WHEREAS an act was passed in the seventh year of the reign of his present majesty King George the Third, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex; which act was to continue in force for fourteen years: and whereas the term of the said act was, by an act passed in the seventeenth year of the reign of his said present Majesty, continued until the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-eight, and from thence to the end of the then next session of parliament: and whereas the said act of the seventh year of the reign of his said present Majesty hath been useful, and productive of much benefit to the publick, but might be rendered still more so, if the same was explained and amended, and some further provisions made for preventing inconvience, which

Preamble.
to 7 Geo. 3. c. 23.

17 Geo. 3. c. 13.

7 Geo. 3. c. 23.

except where
altered by
this act,to continue
in force.For appoint-
ing labour-
ing coal-
meters.

were not foreſeen, nor ſufficiently provided againſt by the ſaid former act; may it therefore pleaſe your Maſteſty that it may be enacted, and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid recited act of the ſeventh year of the reign of his preſent Maſteſty, and continued by the ſubſequent act of the ſeventeenth year of the reign of his ſaid preſent Maſteſty, and all the powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things, given, granted, ordered, appointed, preſcribed, inſerted, and contained therein, (other than and ſo far as the ſame, or any of them, are reſpectively varied, altered, explained, rendered unneceſſary, or otherwiſe provided for, by this preſent act) ſhall be exerciſed, practiſed, uſed, enforced, and put in execution, during the continuance, and for the purpoſes of this preſent act, in as full, extenſive, and beneficial manner, to all intents and purpoſes, as if the ſaid powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things were particularly expreſſed and again enacted in the body of this preſent act; and alſo, that this act ſhall take effect, continue, and be in force, from the twenty-fourth day of July, one thouſand ſeven hundred and eighty-fix, until the ſaid firſt day of June, which will be in the year of our Lord one thouſand ſeven hundred and ninety-eight (being the remainder now to come and unexpired of the term granted by the ſaid recited act of the ſeventeenth year of the reign of his preſent Maſteſty) and from thence to the end of the then next ſeſſion of parliament.

II. And be it further enacted by the authority aforeſaid; That it ſhall and may be lawful to and for the principal land coal-meters, within the limits of this act, or any one of them, and they, or any one of them, are and is hereby authorized, directed, and required to appoint, from time to time, a ſufficient number of perſons to be labouring coal-meters, within the ſaid limits; one or more of which ſaid labouring coal-meters ſhall attend every day (*Sundays excepted*) at ſuch of the coal wharfs, warehouses, or other places of ſale, within the limits aforeſaid, at which he or they ſhall be ſtationed by the principal land coal-meters, or any one of them, during the continuance of this act, at ſuch times as is required by the wharſinger, or dealer in coals, where ſuch meter or meters is or are ſtationed, to meaſure out, or ſee meaſured, the coals which ſhall, from time to time, be ſold at any of the wharfs, warehouses, or places, where ſuch labouring coal-meters ſhall be ſo ſtationed as aforeſaid.

III. And whereas, by the ſaid act paſſed in the ſeventh year of his preſent Maſteſty, it is enacted, That no perſon ſhall be capable of acting as one of the labouring coal-meters to be appointed under the ſaid act, until he ſhall take an oath, that he will truly and impartially meaſure all coals, between buyer and ſeller, without favour or partiality;

hatred : and whereas it hath been found very difficult to comply therewith ; be it therefore enacted by the authority aforeſaid, That the form of the oath required by the ſaid act to be taken ſhall be, and the ſame is hereby repealed : and no perſon appointed, or to be appointed, under the authority of this and the ſaid act, ſhall be capable of acting as one of the labouring coal-meters, until he ſhall, before one or more of his Maſtey's juſtices of the peace for the ſaid city of London (who is and are hereby authorized and required to adminiſter the ſame gratis), take and ſubſcribe an oath, or affirmation, in the words, or to the effect following ; to wit :

Form of labouring coal-meters oath repealed.

I A. B. do ſwear, [or, being of the people called Quakers, do ſolemnly affirm], That I will duly and faithfully, to the beſt of my ſkill and knowledge, execute the office of one of the labouring coal-meters for the city of London, and the ſeveral wharfs ſituate between the tower of London and Limehouſe Hole, in the county of Middleſex; and that I will truly and impartially meaſure, or ſee meaſured, all coals, between buyer and ſeller, without favour or baird. New oath.

So help me GOD.

IV. And be it further enacted by the authority aforeſaid, That upon notice in writing, or otherwiſe, being given to any of the labouring coal-meters appointed and qualified, or to be appointed and qualified, by virtue of this and the ſaid recited act of the ſeventh year of the reign of his preſent Maſtey, or left at the principal land coal-meter's office, for a labouring coal-meter or meters to attend at any wharf, warehouse, or place within the limits of this act, to be named in ſuch notice, in order to meaſure, or ſee meaſured, the coals of the perſon giving the notice, ſuch labouring coal-meter or meters ſhall attend, purſuant to ſuch notice, within the ſpace of one hour from the time of giving the ſame, or ſooner if poſſible, and do his or their duty according to the intent and meaning of this and the ſaid recited act ; and in caſe of neglect or refusal to attend accordingly, ſuch labouring coal-meter or meters ſhall, for every ſuch offence, forfeit and pay the ſum of twenty ſhillings each ; and the principal land coal-meters or coal-meter, neglecting to ſend ſuch labouring coal-meter or meters as aforeſaid, ſhall, for every ſuch offence, forfeit and pay the like ſum of twenty ſhillings.

Penalty on principals neglecting to ſend a labouring coal-meter, and on labouring coal-meters not attending on notice.

V. And be it further enacted by the authority aforeſaid, That if any cart or carts loaded, or in which any quantity of coals, exceeding ſeventeen buſhels, ſhall be ſent or driven, from any wharf, warehouse, or place ſituate within the limits of this act, without having been meaſured under the inſpection of the ſaid principal land coal-meters, or coal-meter, or of ſuch labouring coal-meter, or without having firſt obtained ſuch ticket as aforeſaid, that then, and in every ſuch caſe, the vendor of the ſaid coals, being convicted thereof by the oaths (or, being of the people called Quakers, by affirmation) of two

Penalty on vendor, for ſending coals unmeaſured, or without a ticket.

or

or more witnesses, before one or more of his Majesty's justices of the peace for the said city of *London*, or the county of *Middlesex*, shall, for every such offence, forfeit and pay the sum of ten pounds.

Sacks not to be sealed, or marked, which shall not be full 4 feet 4 inches long, and 36 inches broad.

VI. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *July*, one thousand seven hundred and eighty-six, no sacks to be made use of for the carriage of coals, within the limits of this act, which shall not be full four feet four inches in length, and full twenty-six inches in breadth, after they are ~~made~~, shall be sealed or marked, at any office or offices, or by any officer or officers appointed or to be appointed for the purpose of sealing and marking such sacks, by any law now in being respecting the same.

Dimensions of sacks.

VII. And it is hereby further enacted by the authority aforesaid, That if any wharfinger or carrier of coals shall, at any time or times hereafter, during the continuance of this act, make use of any sack or sacks for the carrying of coals, within the limits of this act, of less dimensions than four feet in length, and two feet in breadth; or shall wilfully make, or procure to be made or used, any false bushel or other measure, and be convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation,) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the said city of *London*, or the said county of *Middlesex*, he shall, for every such offence, forfeit and pay the sum of five pounds.

Penalty on labouring meter delivering false tickets;

VIII. And it is hereby further enacted by the authority aforesaid, That if any labouring coal-meter, appointed and qualified, or to be appointed and qualified, pursuant to this and the said recited act of the seventh year of the reign of his present Majesty, shall, at any time or times hereafter, during the continuance of this act, deliver a false or counterfeit ticket dealer, consumer, carman, or other person, with intent

or receiving any other gratuity besides 4 d. per chaldron;

judice or defraud any person or persons whomsoever; or shall take or receive from any dealer in coals any sum or sums of money, fee, reward, or gratuity whatsoever, over and besides the four-pence per chaldron, by the said recited act of the seventh year of the reign of his present Majesty enacted and allowed to be taken for the metage charge; or if any such labouring coal-meter, shall wilfully make, permit or suffer to be made, false measure of coals, or shall deliver a ticket for any quantity of coals, the whole of which he shall not have been measured, at any place or places within the said limits, and shall be, in any or either of the said cases, convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the said city of *London*, or the said county of *Middlesex*, he shall be rendered incapable of ever serving thereafter in the office of a land coal-meter; and the principal land coal-meters or coal-meter for the time being shall, for every such offence of such labouring coal-meters, be

or making false measure; or delivering any ticket for coals he did not see measured.

convicted as aforeſaid, forfeit and pay the ſum of forty ſhillings.

IX. Provided always, and be it further enacted by the authority aforeſaid, That if the driver of any cart or carriage with coals loaded therein, from any wharf, warehouse, or place, within the limits of this act, or any perſon belonging thereto or employed therein, ſhall take or deliver, or cauſe to be taken or delivered, from ſuch cart or carriage, any coals under his care, otherwiſe than to or for the uſe of the owner or owners, purchaſer or purchaſers thereof, and ſhall be thereof convicted, every ſuch perſon ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings; and in caſe of non-payment thereof, every ſuch offender ſhall and may be committed, by warrant under the hand and ſeal, or hands and ſeals, of the juſtice or juſtices before whom ſuch conviction ſhall be had, to the common ſtock and for the city of London, or the county of Middleſex, there to remain for any time not exceeding three calendar months, not leſs than one calendar month, unleſs the ſaid penalty or fine ſhall be to him paid and ſatisfied.

Penalty on cartman taking or permitting coals to be taken out of his cart.

X. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon ſhall be diſſatisfied with, or think himſelf or herſelf aggrieved by or in the measure of any coals ſold to him or her by wharf measure, within the limits aforeſaid, and ſhall, upon delivery to him or her of the meter's ticket accompanying ſuch coals, ſignify his or her deſire to have the ſame re-measured, then, and in every ſuch caſe, the cartman, or driver of the cart or other carriage in which the ſaid coals ſhall be brought, ſhall continue at the houſe or lodging of the purchaſer of the ſaid coals, with the ſaid coals, and the ſaid cart or carriage, until they are re-measured, under the penalty of five pounds on the owner or proprietor, and twenty ſhillings on the driver of the ſaid cart or carriage; and the ſaid purchaſer ſhall immediately ſend, or cauſe to be ſent, to the vendor of the ſaid coals, or to his or her wharf, warehouse, or place, notice in writing that the ſaid coals are going to be re-measured, and alſo ſend notice thereof to the land coal-meter's office; and thereupon a principal meter, or one of the labouring meters, (not being the meter under whole inſpection the ſaid coals were originally-measured), ſhall, within the ſpace of two hours next after ſuch notice in writing left at the land coal-meter's office aforeſaid, attend to re-measure the ſaid coals, and ſhall accordingly re-measure the ſame, ſack by ſack, in the preſence of the vendor and purchaſer of the ſaid coals, or their agents or ſervants, if any of them ſhall attend, and deſire to ſee the ſame re-measured, and alſo in the preſence of one of the principal or labouring land coal-meters of or for the city and liberty of Weſtmiſter, or of or for that part of the county of Surry lying between Putney and Roſſerhiſthe, if ſuch purchaſer ſhall think proper to require the attendance of ſuch laſt-mentioned coal-meter; who ſhall, and is hereby directed and required to attend accordingly within the ſpace of two hours after notice in writing left at ſuch laſt-mentioned coal-meter's office; and in caſe

Perſons diſſatisfied may have coals re-measured,

driver to continue with the coals and cart till re-measured, under penalty of 5 l. on the owner, and 20 s. on the driver. Purchaſer to ſend notice in writing to vendor and meter.

Purchasers to pay 6d. per chaldron for re-measuring.

And if, on re-measurement, coal prove deficient, the vendor to pay 5l. for every bushel, and forfeit the coals, &c.

The coal porters who measured to forfeit 2s. 6d. a bushel.

Penalties and forfeitures to be recovered and applied, as directed by 7 Geo. 3. c. 23.

Publick act.

such last mentioned coal-meters or coal-meter shall neglect or refuse to attend pursuant to such notice, he or they shall, for every such offence, forfeit and pay the sum of five pounds: for which re-measurement the purchaser shall pay the principal coal-meters or coal-meter, appointed or to be appointed by or in pursuance of the said recited act of the seventh year of the reign of his present Majesty, and also such other land coal-meter from the city and liberty of *Westminster*, or from that part of the county of *Surrey* aforesaid, as shall attend such re-measurement, the sum of six-pence each, for every chaldron of coals so re-measured; and in case the coals thus re-measured shall not amount to the quantity for which they were sold, then the vendor of such coals shall forfeit and pay, for every bushel of coals found deficient, the sum of five pounds, and also forfeit every chaldron of coals so found deficient or wanting in measure, to and for the use of the poor of the parish where the said coals shall be so re-measured; and the labouring meter, under whose inspection the coals were first measured, shall, for every bushel to deficient, forfeit and pay the sum of five pounds, which sum, if not paid within five days next after conviction, shall and may be recovered from the persons or person executing the office of principal land coal-meter for the time being; and the coal porters, who shall measure the same for the vendor thereof, shall, for every bushel of coals so wanting, forfeit and pay the sum of two shillings and sixpence.

XI. And be it further enacted and declared by the authority aforesaid, That the several penalties and forfeitures imposed and to be incurred by virtue of and under this act, shall be recovered and applied in such and the same manner as the penalties and forfeitures, inflicted and directed to be levied by the said recited act of the seventh year of the reign of his present Majesty, are thereby ordered, directed, and appointed to be levied, recovered, and applied, respectively.

XII. And be it further enacted by the authority aforesaid, That this act shall be deemed, judged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. LXXXIV.

An act to empower the archbishop of Canterbury, or the archbishop of York, for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.

Preamble.

WHEREAS, by the laws of this realm, no person can be consecrated to the office of a bishop without the King's licence for his election to that office, and the royal mandate under the great seal for his consecration and consecration: and whereas every person who is consecrated to the said office is required to take the oaths of allegiance and supremacy, and also the oath of due obedience to the archbishop:

archbishop: and whereas there are divers persons, subjects or citizens of countries out of his Majesty's dominions, and inhabiting and residing within the said countries, who profess the public worship of Almighty God, according to the principles of the Church of England, and who, in order to provide a regular justification of ministers to the service of their church, are desirous of having certain of the subjects or citizens of these countries consecrated by them, according to the form of consecration in the church of England: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this act, it shall and may be lawful to and for the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, together with such other bishops as they shall call to their assistance, to consecrate persons, being subjects or citizens of countries out of his Majesty's dominions, bishops, for the purposes aforesaid, without the King's licence for their election, or the royal mandate, under the great seal, for their confirmation and consecration, and without requiring them to take the oaths of allegiance and supremacy, and the oath of due obedience to the archbishop for the time being.

II. Provided always, That no persons shall be consecrated bishops in the manner herein provided, until the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, shall have first applied for and obtained his Majesty's licence, by warrant under his royal signet and sign manual, authorising and empowering him to perform such consecration, and expressing the name or names of the persons to be consecrated, nor until the said archbishop has been fully ascertained of their proficiency in good learning, of the soundness of their faith, and of the purity of their manners.

III. Provided also, and be it hereby declared, That no person or persons consecrated to the office of a bishop in the manner aforesaid, nor any person or persons deriving their consecration from or under any bishop so consecrated, nor any person or persons admitted to the order of deacon or priest by any bishop or bishops so consecrated, or by the successor or successors of any bishop or bishops so consecrated, shall be thereby enabled to exercise his or their respective office or offices within his Majesty's dominions.

IV. Provided always, and be it further enacted, That a certificate of such consecration shall be given under the hand and seal of the archbishop who consecrates, containing the name of the person so consecrated, with the addition, as well of the country whereof he is a subject or citizen, as of the church in which he is appointed bishop, and the further description of his not having taken the said oaths, being exempted from the obligation of so doing by virtue of this act.

The archbishop of *Canterbury* or *York*, with such other bishops as they shall think fit to assist, may consecrate subjects of foreign states bishops, without the king's licence for the election, or requiring them to take the usual oaths;

but not without first obtaining his Majesty's royal licence for performing the consecration, &c.

No persons consecrated, &c. thereby enabled to exercise their offices in his Majesty's dominions.

Certificate of consecration to be given by the archbishop, &c.

C A P. LXXXV.

An act to revive, continue, and amend so much of an act, made in the sixth year of the reign of his present Majesty, intituled, An act for allowing a bounty on the exportation of British made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported, as relates to allowing a bounty on the exportation of British made cordage.

sample.

Geo. 3 c. 15.
far as re-
lates to grant-
ing a bounty
on the exportation
of British
made cordage,
be revived,
and continued
for four years:

WHEREAS the law herein-after mentioned, which hath by experience, been found useful and beneficial, is expired, and it is expedient that so much thereof as relates to allowing a bounty on the exportation of British made cordage, be revived and continued, subject to the alterations and amendments herein made; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the sixth year of the reign of his present Majesty, intituled, *An act for allowing a bounty on the exportation of British made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported*, which was to be in force from the first day of July, one thousand seven hundred and sixty-six during the term of five years, and from thence to the end of the then next session of parliament; and which, by another act, made in the twelfth year of the reign of his present Majesty, was amended and further continued for the term of three years; and which, by another act, made in the fourteenth year of the reign of his present Majesty, was further continued for the term of three years, and from thence to the end of the next session of parliament; and which, by another act, made in the seventeenth year of the reign of his present Majesty, was further continued for the term of four years, and from thence to the end of the then next session of parliament; so far as the same relates to allowing a bounty upon the exportation of British made cordage, shall, from and after the passing of this act, be revived, and the same is hereby revived, and shall continue in full force and effect for the further term of four years, and from thence to the end of the then next session of parliament, subject to the several amendments, alterations, regulations, and restrictions, herein-after provided and expressed.

no bounty
be paid on
cordage made
in America,
or any what-
ever under 3
cwt weight.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That no bounty shall be allowed or paid, to any person or persons whatever, by virtue of this act, upon the exportation of cordage wrought up and manufactured in Great Britain from hemp or the growth of the British colonies or plantations in America, or of the united States of America, nor for any cordage whatever which shall be exported, unless the quantity thereof shall be three tons weight at the least.

owner to
take oath

III. And be it further enacted by the authority aforesaid, That, upon the entry of such cordage for exportation, in order to obtain the bounty, the exporter thereof shall make oath that

the same is really and truly intended to be exported as merchandise, and not for the use of the ship during her then voyage, or any future voyage; and the master, or other person having or taking the charge or command of the ship or vessel in or on board of which such cordage shall be intended to be exported, shall join in the bond required to be given for the due exportation of such cordage, or, on failure thereof, no bounty shall be allowed or paid on the exportation thereof.

that the cordage is really intended for exportation, and the master of the ship to join the bond to be given on the occasion

IV. And be it further enacted by the authority aforesaid, That nothing in this act, or any other act or acts of parliament containing shall extend, or be construed to extend, to disallow the bounty on the due exportation of such cordage to any foreign port or place whatever, except the *Ile of Man*, but that the same shall be, and is hereby directed and required to be paid on such exportation, other than to the *Ile of Man*.

Bounty on exportation of cordage to foreign place to be continued.

V. And be it further enacted by the authority aforesaid, That every ship or vessel, on board of which any cordage shall be shipped for exportation, in order to obtain the bounty hereinbefore granted, shall, and is hereby required to have on board (over and above the quantity entered for exportation) a sufficient quantity of cordage for the use of such ship or vessel, according to the nature of the voyage, for which no bounty shall be allowed; and such ship or vessel, before clearing at any port of this kingdom, shall be visited by the proper officer or officers of the customs at such port, who shall not permit or suffer her to set sail on her voyage, if it shall appear that there is not on board a sufficient quantity of cordage for the use of such ship or vessel, independent of, and besides the quantity entered for the bounty; and such officer or officers shall be, and is and are hereby authorized and required to detain such ship or vessel, and to prevent her from sailing upon her intended voyage, until there shall be provided a sufficient quantity of cordage for the use of such ship or vessel, according to the nature of the voyage on which such ship or vessel shall be intended to proceed, besides the cordage entered as aforesaid for exportation, in order to obtain the bounty.

If vessels have not a sufficient quantity of cordage for their use over the quantity ship for exportation, the officers to detain them.

VI. And, in order to prevent any inconvenience which may arise by encouraging the exportation of cordage, be it further enacted by the authority aforesaid, That no entry shall be permitted to pass for the exportation of any such cordage, or the vessel having on board such cordage be permitted to go out of port, unless a certificate shall be produced, under the hands of the commissioners of his Majesty's navy, or any three or more of them, signifying that such cordage hath been tendered to them for the use of his Majesty's dock yards, at the fair and then market price of such cordage in *London*, and that the same hath been refused by their board; and if any person or persons shall pass any entry for such cordage, without having such certificate produced to him or them, such person or persons shall forfeit and lose the sum of one hundred pounds.

No cordage to be exported without a certificate that it has been refused by the navy board.

Persons passing entries without such certificate, to forfeit 100l.

C A P. LXXXVI.

An act to explain and amend an act, made in the feventh year of his late Majesty's reign, intituled, An act to fettle how far owners of fhips fhall be answerable for the acts of the mafters or mariners; and for giving a further relief to the owners of fhips.

Preamble.

Act 7 G. 3. c. 2.
c. 15, recited.

WHEREAS, by an act made in the feventh year of the reign of his late majesty King George the Second, intituled, An act to fettle how far owners of fhips fhall be answerable for the acts of the mafters or mariners, it is amongft other things enacted, That no owner or owners of any fhip or veflel fhould be liable to answer for or make good to any person or persons, any loss or damage by reason of any embezzlement, fecreting, or making away with (by the mafter or mariners, or any of them) of any gold, filver, diamonds, jewels, precious ftones, or other goods or merchandize, which fhould be fhipped on board any fhip or veflel, or for any aft, matter, or thing, damage or forfeiture, done, occafioned, or incurred by the faid mafter or mariners, or any of them, without the privity and knowledge of fuch owner or owners, further than the value of the fhip or veflel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein fuch embezzlement, fecreting, or making away with, or other malverfation of the mafter or mariners, fhould be made, committed, or done: and whereas all mafters or captains, and owners of fhips or veflels, are by law refpectively fubject or liable to answer for or make good to any person or persons, the full value and amount of any goods or merchandize by fuch person or persons fhipped or put on board any fhip or veflel, notwithstanding fuch goods or merchandize be loft by robbery, fire, or other accident (other than by the King's enemies, the pilots of the fcas, or the act of God), or by the mafter or fome of the fhip's company are privy to fuch robbery, in which cafe alone the refponfibility of the owners is by the faid act limited to the value of the fhip and full amount of the freight: and whereas it is of the utmoft confequence and importance to the general welfare of this kingdom, to promote the increafe of the number of fhips and veflels, and to prevent any difcouragement to merchants and others from being interefted and concerned therein, which is likely to happen from the refponfibility to which they are now expofed, notwithstanding the faid reftriction of the faid act: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That no person or persons, who is, are, or fhall be owner or owners of any fhip or veflel, fhall be fubject or liable to answer for or make good, to any one or more person or persons, any loss or damage by reason of any robbery, embezzlement, fecreting, or making away with, of any gold, filver, diamonds, jewels, precious ftores, or other goods or merchandize, which, from and after the firft day of September, one thoufand feven hundred and eighty-fix, fhall be fhipped,

Owners of fhips not liable for any loss of goods shipped without their privity, further than the value of the veflel,

shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred, from and after the passing of this act, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein such robbery, embezzlement, secreting, or making away with, as aforesaid, shall be made, committed, or done, although the master or mariners shall not be in any wise concerned in or privy to such robbery, embezzlement, secreting, or making away with; any law, usage, or custom, to the contrary thereof in any-wise notwithstanding.

and the
freight, after
Sept. 1, 1786

II. And be it further enacted by the authority aforesaid, That no owner or owners of any ship or vessel shall be subject or liable to answer for or make good, to any one or more person or persons, any loss or damage which may happen to any goods or merchandise whatsoever, which, from and after the first day of September, one thousand seven hundred and eighty-six, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any fire happening to or on board the said ship or vessel.

nor for any
loss occasion-
ed by fire on
board:

III. And whereas disputes may arise, whether the owners or masters of ships are liable to answer or make good the value or amount of any gold, silver, diamonds, watches, jewels, or precious stones, which may be lost after the same have been put on board their ships on freight, without the shippers thereof declaring at the time the value of such goods; be it therefore enacted by the authority aforesaid, That no master, owner or owners, of any ship or vessel, shall be subject or liable to answer for, or make good, to any one or more person or persons, any loss or damage which may happen to any gold, silver, diamonds, watches, jewels, or precious stones, which, from and after the passing of this act, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any robbery, embezzlement, making away with, or secreting thereof, unless the owner or shipper thereof shall, at the time of shipping the same, insert in his bill of lading, or otherwise declare in writing to the master, owner or owners, of such ship or vessel, the true nature, quality, and value of such gold, silver, diamonds, watches, jewels, or precious stones.

nor for loss
of gold, etc.
unless at the
time of ship-
ping decla-
ration be
made of the
value, etc.

IV. And be it further enacted by the authority aforesaid, That several freighters or proprietors of any such gold, silver, diamonds, jewels, precious stones, or other goods or merchandise, shall suffer any loss or damage by any of the means aforesaid, in the same voyage (fire only excepted), and the value of the ship or vessel, with all her appurtenances, and the amount of the freight due or to grow due during such voyage, shall not be sufficient to make full compensation to all and every of them, then such freighters or proprietors shall receive their compensation hereout in average, in proportion to their respective

If produce of
ship, etc. be
insufficient to
answer losses,
it is to be
proportionally
divided among
the
losers.

Freighters and owners of vessels may exhibit bills in equity for discovery of amount of losses and value of vessels, etc.

losses or damages: and in every such case, it shall and may be lawful to and for such freighters or proprietors, or any of them, on behalf of himself and all other such freighters or proprietors, or to and for the owners of such ship or vessel, or any of them, on behalf of himself and all the other part owners of such ship or vessel, to exhibit a bill in any court of equity for a discovery of the total amount of such losses or damages, and also of the value of such ship or vessel, appurtenances, and freight, and for an equal distribution and payment thereof amongst such freighters, or proprietors, in proportion to their respective losses or damages, according to the rules of equity: provided always, That if any such bill shall be exhibited by or on behalf of the part owners of such ship, the plaintiff or plaintiffs shall annex an affidavit to such bill or bills, that he or they do not collude with any of the defendants thereto; and shall thereby offer to pay the value of such ship or vessel, appurtenances, and freight, as such court shall direct; and such court shall thereupon take such method for ascertaining such value as to them shall seem just, and shall direct the payment thereof in like manner as is now used and practised in cases of bills of interpleader.

Act not to lessen the remedy against masters and mariners for embezzlement, etc.

V. Provided always, and it is hereby declared and enacted, That nothing in this present act contained shall extend, or be construed to extend, to impeach, lessen, or discharge any remedy which any person or persons now hath, or shall or may hereafter have, against all, every, or any the master and mariners of such ship or vessel, for or in respect of any embezzlement, secreting, or making away with, any gold, silver, diamonds, jewels, precious stones, or merchandize, shipped or loaded on board such ship or vessel, or on account of any fraud, abuse, or malversation of and in such master and mariners respectively; but that it shall and may be lawful to and for every person or persons so injured or damaged, to pursue and take such remedy for the same, against the said master and mariners respectively as he or they might have done before the making of this act.

Publick act.

VI. And be it further enacted, That this act shall be a publick act; and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without the same being specially pleaded.

C A P. LXXXVII.

An act for appointing commissioners to enquire into the state and condition of the woods, forests, and land revenues, belonging to the crown; and to sell or alienate fee-farm, and other unimprovable rents.

Preamble.

1 Geo. 3. c. 1
recited in
part.

WHEREAS, under and by virtue of the provisions contained in an act of the first year of your Majesty's reign, intituled, An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain, the monies arising

by rents of lands, and fines for leaſes of the ſame, and the monies ariſing from the ſmall branches and revenues in the ſaid act mentioned (except the revenue of the dutchy of Cornwall) are diſpoſed, during your Maſteſty's liſe, to be carried to, and made part of the general or aggregate fund eſtabliſhed by an act of the firſt year of the reign of King George the Firſt, and applied as part of the ſaid fund: and whereas your Maſteſty is ſeiſed of ſeveral extenſive foreſts, chaſes, parks, warrens, marſhes, fens, deſert lands, and waſtes, ſituate in England and Wales, which are capable, under proper regulations, of being improved and rendered more beneficial to your Maſteſty and to the publick: and whereas your Maſteſty, from a tender regard and concern for the welfare of your people, hath been graciouſly pleaſed to expreſs your deſire, that an enquiry ſhould be made into the ſtate and condition of the woods, foreſts, and land revenues belonging to the crown, in order that the ſame may be rendered as beneficial and productive as poſſible, and hath recommended to your parliament to take this object into their conſideration, and to make ſuch proviſion thereupon, as they ſhould judge to be moſt for the publick benefit: we, therefore, your Maſteſty's moſt dutiful and loyal ſubjects, the lords ſpiritual and temporal, and commons, of Great Britain, in parliament aſſembled, having taken your Maſteſty's moſt gracious meſſage into our ſerious conſideration, do moſt humbly beſeech your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, ſir Charles Middleton baronet, John Call eſquire, and Arthur Holdſworth eſquire, ſhall be, and are hereby conſtituted commissioners for examining and enquiring into the ſtate, management, produce, and expenſiture of the ſaid rents of lands, and fines for leaſes of the ſame, and other monies ariſing from the ſaid ſmall branches of revenue herein-before mentioned; and into the ſtate, produce, management, extent, and value, of all the honours, caſtles, lordſhips, foreſts, chaſes, parks, warrens, manors, royalties, ſeignories, meſſuages, wills, demefne and other lands, tenements, tythes, mines, minerals, collieries, woods, wood grounds, fens, marſhes, deſert and waſte lands, and ſervices, within the ſurvey of his Maſteſty's exchequer, and appertaining and belonging to the crown of Great Britain, ſituate and being in England and Wales, or either of them; and into all ſuch ſubſiſting leaſes, patents, and other grants of the ſaid honours and premiſes reſpectively, as contain any expreſs ſaving, exception, or reſervation to the crown, of any rights or intereſts, in poſſeſſion, reverſion, or contingentcy; and into all and all manner of rights and privileges claimed, exerciſed, or enjoyed, within, over, and upon his Maſteſty's ſaid foreſts, chaſes, parks, warrens, woods, fens, marſhes, and deſert and waſte lands reſpectively; and into all ſubſiſting offices, places, and employments, eſtabliſhed or created for the management of the ſaid foreſts, chaſes, parks, and other the ſaid eſtates, land revenues, and ſmall branches aforeſaid,

Commissioners appointed,

who are to make enquiry, and report to his Majesty and parliament their progreſſs.

foreſaid, reſpectively, or in anywiſe connected therewith, and the annual expence of the ſame: and the ſaid commiſſioners ſhall, and they are hereby required to take into their conſideration the information which they ſhall procure or receive upon ſuch examinations and enquiries, and within fourteen days after the commencement of every ſeſſion of parliament, and from time to time, when and ſo often as they conveniently can or may, (and without any ſpecial or other requiſition to be made to them for that purpoſe), certify and report in writing, under their hands and ſeals, unto the King's majeſty and both houſes of parliament, what progreſſs they ſhall have made in the execution of the truſts and powers of this act, together with ſuch obſervations as ſhall occur to them, and ſuggeſt ſuch plans, rules, regulations, means, and methods, for the diſpoſal and alienation, or for the future management and improvement of the ſaid landed eſtates and poſſeſſions, and for the protection, increaſe, and ſupply of timber on the ſaid foreſts, chafes, and other lands of the crown, for the uſe of the royal navy, or for redreſſing any abuſes in the management of the ſaid landed eſtates, and the collection and due answering of the reverſues of the ſame, or other ſmall branches of revenues aforeſaid, as the ſaid commiſſioners ſhall think beſt calculated for rendering the ſaid landed eſtates and poſſeſſions of the crown, and the revenues ariſing therefrom, and other ſmall branches aforeſaid, moſt productive and advantageous to his Majeſty and the publick.

Commiſſioners to take the oath following.

II. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners, before they ſhall be capable of acting in the execution of this act, ſhall ſeverally take and ſubſcribe an oath, before the chancellor of the exchequer, or the chief baron or one of the other barons of the court of exchequer, to the effect following; (that is to ſay):

Form of oath.

I A. B. do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my ſkill and judgment, execute the ſeveral powers and truſts reſpect'd in me by an act of the twenty-fixth year of the reign of his majeſty King George the Third, intituled, An act for appointing commiſſioners to enquire into the ſtate and condition of the woods, foreſts, and land revenues, belonging to the crown; and to ſell or alienate ſee tarts and other unimproveable lands according to the tenor and purpoſe of the ſaid act.

So help me G O D.

Commiſſioners to meet where they think moſt convenient, examine witneſſes upon oath, appoint officers, &c.

Which oath, ſo taken and ſubſcribed, ſhall be filed of record in the office of the King's remembrancer of the ſaid court.

III. And for the better execution of this act, be it further enacted, That the ſaid commiſſioners ſhall have power to meet and ſit, from time to time, in ſuch place or places as they ſhall find moſt convenient, with or without adjournment; and to ſend their precept or precepts, under their hands and ſeals, for ſuch witneſſes as they ſhall think neceſſary to examine, for the be-
1211

for difcovery and finding out any of the matters or things by this act directed to be enquired and examined into by them, and to examine fuch witneffes, upon oath, touching and concerning fuch difcovery and difcloiure (which oath they are hereby authorized to adminifter); and alfo fhall and may appoint and employ fo many clerks and officers, and allow them, with the confent and approbation of the lord high treafurer, or the commiffioners of the treafury, for the time being, in writing, under his or their hand or hands, fuch reasonable falaries as the faid commiffioners fhall think meet; and fhall and may give and allot to every of fuch clerks and officers an oath; for his true and faithful demeanor in all things relating to the due performance of the trufts reposed in him by the faid commiffioners, and in all other things touching the premiffes; and from time to time, at their difcretion, to difmifs and difcharge fuch clerks and officers, and appoint others in their place: and the faid clerks and officers are hereby required faithfully to execute and perform the faid trufts in them feverally and refpectively reposed, without taking any thing for fuch fervice, other than fuch falaries as the faid commiffioners fhall direct and appoint, and fuch fees as they fhall be authorized to take by virtue of this act: provided always, that if the faid commiffioners fhall require the attendance of any perfon or perfons, for the purpofe of procuring any information by this act directed to be procured, and fuch perfon or perfons fhall be called for that purpofe from his or their ufual place or places of refidence, the faid commiffioners fhall, at their difcretion, make a reasonable fatisfaction to fuch perfon and perfons for his and their time and expences on thofe occafions.

and may make fatisfaction to witneffes for fuch expences.

IV. And, for the better accomplifhment of the purpofes aforefaid, it is further enacted, That the faid commiffioners fhall have full power and authority to call before them the feveral furveyors, auditors, and receivers of the faid feveral revenues, and their deputies, and all other officers and perfons concerned in the management, collection, and receipt thereof, and to examine them upon oath, (which oath the faid commiffioners are hereby authorized to adminifter,) touching or concerning the faid eftates, poffeffions, and revenues, and every or any part of the fame, and the extent, ftate, and value thereof, or any fees, falaries, fhips, annuities, or other payments, ifuing out of the fame, or payable thereon, or touching or concerning any other matter or thing relating to the premiffes aforefaid; and further, that the faid commiffioners fhall have full power and authority to perufe, infpect, and have copies of all and fingular the furies, maps, plans, rentals, inquisitions, terriers, valuations, particulars, counterparts and entries of leafes, patents, reports, accounts, and other written documents, relating to or concerning any of the lands, or poffeffions of the crown, or the rents and profits of the fame, and other fmall branches aforefaid, in the cuftody or power of whatever publick officer or officer the fame may be, without payment of any fee or reward for

Commissioner: may examine on oath the officers of the land revenue, may infpect furies, &c. and caufe actual ones to be made.

the

the production or inſpection thereof; and alſo to cauſe to be made, by practical and competent land ſurveyors, actual ſurveys, maps, plans, and valuations of ſuch of the ſaid forests, chafes, parks, and other lands and poſſeſſions of the crown, as the ſaid commiſſioners ſhall find neceſſary and expedient, and to examine all and every of ſuch ſurveyors upon oath, (which oath the ſaid commiſſioners are hereby impowered to adminiſter), of and concerning the truth and correctneſs of their ſaid reſpective ſurveys, or any matter or thing done or certified by ſuch ſurveyors reſpectively, of and concerning the premiſes committed to their charge.

Chancellor,
&c. of the
exchequer
may order
commiſſions
to perſons, to
make ſurveys,
to examine
into limits of
foreſts, &c.

V. *And whereas it may be found neceſſary by the ſaid commiſſioners, in the execution of this act, and for the better accompliſhment of the ends and purpoſes thereof, and more particularly for diſcovering the extent and limits of his Majeſty's forests and chafes, and other lands, that commiſſions of enquiry ſhould be awarded for theſe purpoſes; be it therefore further enacted, That it ſhall and may be lawful to and for the chancellor and barons of the exchequer for the time being, and the ſaid chancellor and barons are hereby authorized and required, from time to time, upon motion to them made by the ſaid commiſſioners for that purpoſe, to order and direct one or more commiſſion or commiſſions to be awarded and iſſued, under the ſeal of the exchequer, directed unto ſuch able and experienced perſons as the ſaid court ſhall nominate for that purpoſe, for authorizing and impowering the perſons to be ſo named, or ſo many of them as the ſaid chancellor and barons ſhall think fit, to make ſurveys and perambulations, and to call before them, and examine upon oath, any witneſs or witneſſes, and to enquire into, examine, try, diſcover, and aſcertain, by verdict and inqueſt, on the oaths of lawful men, to be duly impannelled by the proper ſheriff, according to the tenor and effect of ſuch reſpective commiſſions, the ſeveral limits, boundaries, extent, and values of the forests, chafes, or other lands, to which ſuch commiſſions ſhall reſpectively relate, and all ſuch other matters and particulars which in and by ſuch commiſſions ſhall be reſpectively directed to be enquired of or examined into.*

Perſons
claiming pri-
vileges to de-
ſerve their
claims to the
commiſſion-
ers.

VI. *And to the end that the future improvements to be made in the land revenue of the crown may be effected with out prejudice or vexation to the ſubject claiming rights, privileges, or eſtiments, in, through, or over any of his Majeſty's ſaid forests, chafes, parks, warrens, maſſes, ſens, deſeriet lands, and waſtes; be it further enacted, That all perſons ſhall be at liberty to deliver their reſpective claims of rights, privileges, or eſtiments, in, through, or over any of his Majeſty's ſaid forests, chafes, parks, warrens, maſſes, ſens, deſeriet lands, and waſtes, to the ſaid commiſſioners of the land revenue, who ſhall cauſe the ſame to be entered and preſerved among their proceedings, or may appear before the commiſſioners to be named in any ſuch commiſſion as aforeſaid, to be iſſued by the ſaid court of exchequer, during their ſitting; upon ſuch commiſſion, and make their reſpective claims before ſuch commiſſioners, who ſhall receive the ſame, and make re-
turn*

thereof in their general return to the said commissioners appointed by this act.

VII. Provided also, and be it further enacted, That every person to be named in such commission as aforesaid, shall, before he proceeds to act in the execution thereof, take and subscribe an oath, before any other two of the persons named in the same commission, faithfully to execute the same, and the trusts thereof, without favour or affection, and according to the best of his skill and judgement; which oath the persons so named, and every two of them, are hereby authorized and empowered to administer to each other respectively.

Commissioners appointed by the chancellor, &c. of exchequer to take an oath to faithfully execute their trusts.

VIII. And be it further enacted, That the lord high treasurer, or the commissioners of the treasury, for the time being, shall, and they are hereby authorized and required to issue to the said commissioners appointed by this act, by way of imprest, and upon account, out of any of the public monies remaining in his Majesty's exchequer, any sum or sums, not exceeding in the whole the sum of two thousand pounds in any one year, to be by them employed in the payment of the aforesaid salaries of the clerks and officers by them employed in the execution of this act; and shall also, from time to time, issue to the said commissioners appointed by this act, out of the monies aforesaid, such further sums as shall be necessary to defray the expences of taking any surveys or valuations, or issuing and executing commissions of surveys and enquiry, and other contingent and actual charges, which shall be by them necessarily incurred in the carrying the purposes of this act, and the enquiries thereby directed, into execution.

Treasury to issue to the commissioners money to pay balances, and take surveys, &c.

IX. And be it further enacted, That, during the continuance of this act, no sale shall be made of any of his Majesty's timber or wood, within or upon any of his Majesty's forests, chases, parks, or other grounds whatsoever, by any of his Majesty's surveyors or keepers, or by any other persons intrusted with the care thereof, unless by special warrant to be issued for that purpose by the lord high treasurer, or the commissioners of the treasury, for the time being, upon requisition to them made by the said commissioners appointed by this act.

No timber in the said forests, &c. to be sold without a warrant of the treasury.

And whereas, by virtue of an act passed in the twenty-second year of the reign of his late majesty King Charles the Second, intituled, An act for advancing the sale of fee farm rents and other rents, and of an act passed in the twenty-second and twenty-third years of the reign of the same King, intituled, An act for vesting certain fee farm rents, and other small rents, in trustees, all fee farm rents, rents service, rents sick or dry rents, chauntry rents, guild rents, tithes, and rents, and other services, within the survey of the exchequer (except as therein excepted) were vested in certain trustees in the said last-mentioned act named, and their heirs, in order to be by them sold, conveyed, and disposed of, according to the directions and instructions of the same acts, or one of them; with a proviso in the said last-mentioned act contained, that until sale should be made of the said rents, the receiver or receivers general should and might receive,

22 Car. 2. c. 6; and 22 & 23 Car. 2. cap. 24. recited;

1681,

collected, and gather the same: and whereas, under and by virtue of the said two recited acts, the greater part of the large rents within the survey of the court of exchequer were sold by the said trustees, and the residue thereof, now remaining in charge at the exchequer, consist chiefly of very small rents, the collection and payment whereof is a great and constant charge to the crown, and troublesome and vexatious to the subject; and it is therefore expedient that the same should be

and such parts as relate to rents within the survey of the exchequer vested in trustees, and not by them sold, to be repealed,

be it therefore further enacted, That the said two several recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his late majesty King Charles the Second, and the letters patent in the said acts mentioned, so far as the same acts or letters patent relate to or concern any fee farm or other rents within the survey of the exchequer, by or under and by virtue of the same acts vested in the said trustees, and not by them sold or disposed of, or the appropriation of the the money to arise by sale thereof, shall be, and the same are hereby repealed and vacated.

and the said rents to be vested in his Majesty.

XI. And be it further enacted, That all the said fee farm and other rents, within the survey of the exchequer, by or under or by virtue of the said two several recited acts, or either of them, vested in the said trustees, and not by them sold or disposed of, shall be, and are hereby declared to be in the actual seizin and possession of his Majesty, his heirs and successors, in as full and ample manner, to all intents and purposes, as the same would or could have been if the said acts and the said letters patent, or any of them, had not been made.

Commissioners may agree for the sale of rents at the best prices they can procure, not being under the rates following, viz.

XII. And be it further enacted, That it shall and may be lawful to and for the said commissioners appointed by this act to contract and agree with any person or persons, or any bodies politic or corporate, for the sale of any fee farm rents, rents services, rents seck, quit rents, chauntry rents, guild rents, cattle guard rents, viscontiel rents, and other dry, fixed, and unimprovable rents, due and payable to his Majesty, his heirs or successors, within the survey and receipt of his Majesty's exchequer, at or for the best prices or considerations, in money, which the said commissioners shall be able to procure for the same, not being less, for any rent amounting to or exceeding one shilling per annum, than after the several rates of purchase hereinafter following; (that is to say):

For rents of 10s. per ann. and upwards, 24 years purchase of the net amount.
From 5s. to 10s. per ann. 22 years purchase.
From 1s. and under 5s. 20 years purchase.

For any rent amounting to ten shillings per annum, or upwards, not less than twenty-four years purchase of the net amount thereof, after deducting the land tax chargeable thereon:

For any rent amounting to five shillings per annum, and being under ten shillings per annum, not less than twenty-two years purchase of the gross amount thereof:

And for any rent amounting to one shilling per annum, and being under five shillings per annum, not less than twenty years purchase of the gross amount thereof.

XIII. Provided always, and be it further enacted, That the immediate

immediate owners of the lands or hereditaments whereout any rents hereby made faleable are iffuing or payable, fhall be preferred in the purchafe thereof to all others, fo that fuch owners fhall refpectively pay and difcharge all arrears of rent due from them, and tender themfelves in perfon, or by agent, before the faid commiffioners hereby appointed to contract for the purchafe thereof, before the firft day of *January*, one thoufand feven hundred and eighty-eight.

XIV. *And, for facilitating the conveyance of the aforefaid rents to the refpective purchafers thereof, at a fmall expence, and to relieve the faid commiffioners from the charge and burthen of the purchafe monies:* be it further enacted, That the governor and directors of the bank of *England* fhall, and they are hereby required to open an account in their books with the faid commiffioners hereby appointed, under the title of *Comiffioners for the Land Revenue*, and carry to the credit of fuch account the feveral monies by this act directed to be paid to the cafhiers of the bank; and whenfoever the faid commiffioners fhall have contracted with any perfon or perfons, bodies poltick or corporate, for the fale of any rent or rents, the faid commiffioners fhall grant unto the purchafers or purchafers thereof a certificate under their hands, fpecifying the rent or rents fo contracted for, and the amount of the purchafe money to be paid for the fame; and the faid cafhiers of the bank, or one of them, fhall, upon the production of fuch certificate, accept and receive from fuch purchafers or purchafers the purchafe monies therein fpecified, and at the foot of fuch certificate acknowledge the receipt of the faid monies, without fee or reward; and the faid certificate and receipt fhall be afterwards brought to the office of the auditor of the land revenue, and to be by him forthwith enrolled in proper books to be provided and kept for that purpofe, feparate and apart from the other bufinefs and proceedings of his office; and the faid auditor, having enrolled the faid certificate and receipt as aforefaid, fhall attest the fame under his hand, and return the faid certificate and receipt to the purchafers or purchafers; and from and immediately after fuch enrolement, and thenceforth for ever, the refpective purchafers of fuch rents, and their heirs or fuccelfors; fhall, by force of this act, be adjudged, deemed, and taken to be in the full poffeffion and poffeffion of the rents fo by them refpectively contracted, and fhall hold and enjoy the fame peaceably and quietly, free and difcharged, not and from all claims and demands fuch can or may be made by his Majefty, his heirs or fuccelfors, or by any perfon or perfons lawfully claiming by, from, or upon him or them, or any of his Majefty's royal anceftors or fuccelfors, or by, from, or under the faid truftees, or any of them, or the heirs of the furvivor of them, and of and from all manner of incumbrances whatfoever, heretofore made or charged upon the fame rents, and as fully and amply, to all intents and purpofes, as his Majefty, his heirs or fuccelfors, might or could have held or enjoyed the fame; and fhall have and fhall enjoy all and fingular the powers, remedies,

medies, benefits, and advantages for the recovery thereof, given or allowed to the purchaſers of rents in and by the ſaid recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his ſaid late majeſty King Charles the Second, in as large and ample manner and form as if ſuch purchaſes had been made of, and the ſaid rents conveyed by, the truſtees appointed or authorized in and by or under and by virtue of the ſame acts, or either of them.

Commissioners may compound for arrears, but not for a leſs ſum than is due by the preſent owners of lands.

XV. *And whereas ſome of the ſaid rents hereby directed to be ſold are greatly in arrear, and the lands, tenements, and hereditaments out of which the ſame are iſſuing, may have been purchaſed or come into the hands of the preſent owners of the ſaid lands and hereditaments, without their having had the means of knowing or being apprized of the ſaid rents and arrears payable for the ſame; be it therefore further enacted, That it ſhall and may be lawful for the ſaid commissioners hereby appointed, with the conſent and approbation of the lord high treaſurer, or the commissioners of the treaſury, for the time being, in writing, under his or their hand or hands, to accept ſuch pecuniary compoſition of the perſons who ſhall become purchaſers of any rent or rents in arrear, as, under all the circumſtances of the caſe, ſhall be equitable and juſt, ſo that ſuch compoſition be not leſs than the amount of the arrear or arrears of rent which ſhall have accrued from the preſent owners reſpectively of the lands, tenements, and poſſeſſions, out of which, or in reſpect whereof, ſuch rent or rents are or may be iſſuing or payable.*

Certificate to be granted on the ſale of rents as follows.

XVI. And be it further enacted, That the certificates to be granted by the ſaid commissioners, on the ſale of any rent or rents as aforeſaid, ſhall be expreſſed in the words following, or as near thereto as may be; (that is to ſay,)

Form of certificate.

BY the commissioners of the land revenue.—*These are to certify, That the ſaid commissioners have contracted and agreed with A. B. for the ſale to him of all that rent of iſſuing and payable out of [briefly deſcribing the lands or hereditaments chargeable] now or late payable by at or for the price or ſum of ^{of lawful} money of Great Britain, to be paid by the ſaid A. B. into the ^{bank} of England, in the name of the ſaid commissioners. [And in the caſe of ſubſiſting K^cc, then the words following are to be added] ſubject nevertheless to a leaſe thereof, granted under the great ſeal of Great Britain, [or, the ſeal of his Majeſty's M^cty, as the caſe may be.] ^{beginning date the} one thouſand ^{day of} ſeven hundred and ^{unto} ^{Years, which will expire} for a term of ^{day} or about the ^{day} Given under the hands of the ſaid commissioners, the day of*

Certificates to be witnessed. Which ſaid certificates ſhall be reſpectively witneſſed and atteſted, as to the ſigning thereof by the ſaid commissioners of the land revenue;

revenue, by one of their principal clerks or other officers: and that the receipts to be given or subscribed by the cashier of the bank, at the foot or on the back of such certificate respectively as aforesaid, shall be in the words and figures following, or as near thereto as may be; (that is to say),

RECEIVED the *day of* *one* Form of receipt to be
thousand seven hundred *of and from A. B.* given by the
the sum of *of lawful money of Great Britain,* cashier of the
in consideration money expressed in the above [or within] writ- bank.
ten certificate.

Witness my hand,

(Signed)

E. F. cashier.

Which said certificates and receipts, being enrolled as aforesaid, shall effectually discharge the said purchasers, or other persons to whom the same shall be so given and granted, of and from the purchase or consideration money therein respectively expressed, and such purchasers or other persons shall never afterwards be liable to or called upon, sued, troubled, molested, or questioned, for or in respect of such purchase or consideration money, or any part thereof.

XVII. And be it further enacted, That the certificates and receipts hereby directed to be given, shall be made forth and enrolled at the expence of the persons entitled to or requiring the same, for which certificate such fees shall be paid (exclusively of the expence of stamps, parchment, and enrolling) as the said commissioners shall direct and establish, in proportion to the value of the rent to be sold, so that no greater fee be paid for any one certificate than twenty shillings; and if the certificate be for more rents than one, a further fee shall be paid for every rent, not exceeding one fourth of the fee taken for the highest rent included in the same certificate; which said fees shall be received by, and distributed amongst, the officers and clerks of the said commissioners, in such manner and proportion as they shall direct; and the like fees as aforesaid, and no more, shall be taken by, and paid to, the auditor of the land revenue, for the enrolment of the said certificates and receipts.

XVIII. And be it further enacted, That where the consideration money contracted to be paid for any purchase or discharge whatsoever, authorised to be made by this act, shall exceed the sum of ten pounds, the certificate of the said commissioners shall be written on parchment, stamped or notified with such a stamp duty as is required by law for the common conveyances of lands, and no other stamp shall be requisite for the cashier's receipt for such consideration money; and where such consideration money shall not exceed the sum of ten pounds, the said certificates shall or may be written on parchment, without any other stamp duty than such as shall by law be requisite for the cashier's receipts.

XIX. Provided always, and be it further enacted, That if

If certificate be not procured, and consideration money paid, etc. in 14 days, contracts to be void, etc.

any person or persons, with whom the said commissioners shall contract for any of the premises by this act authorised to be sold, discharged, or extinguished, shall neglect to procure and send forth the commissioners certificate of his, her, or their contract, or shall neglect to pay into the bank the consideration money therein to be specified, or shall neglect to enrol such certificate, and the cashier's receipt for the said money, with the auditor of the land revenue, according to the directions of his act, for the space of fourteen days, to be computed from the day on which such contract shall have been made, the said contract shall be null and void, and the consideration money, if paid into the bank, shall be forfeited, unless the said commissioners shall, for any reasonable cause to them shewn for the omission of such enrolment, order the said certificate to be enrolled *nunc pro tunc*, and which, upon such cause being shewn, they are hereby authorised to order accordingly.

Monies paid into the bank to be laid out in the 3 per cent consols, and the interest paid as directed by the treasury.

XX. And be it further enacted, That all and every sum and sums of money, which shall be paid into the bank of *England* under or by virtue of this act, shall from time to time be laid out, by the order of the said commissioners hereby appointed, in the purchase of three *per centum* consolidated bank annuities, in the names of the said commissioners, in which name the governor and company of the bank of *England* are hereby authorised and required to permit transfers to be made of the annuities, funds, or stock so to be purchased, and such transfers to be accepted by the commissioners appointed by his act, for and in the name of the *lord high treasurer of England*, and the said commissioners are hereby required to accept the same accordingly; and that all and singular the annuities so to be purchased and accepted, shall remain invested in the name of the *lord high treasurer*, or the *commissioners for executing the office of lord high treasurer*, for the time being, and shall not be transferred or transferrable without the authority of parliament; but all the interest of the said annuities or yearly dividends shall be from time to time paid by the said governor and company into the hands of such person or persons as shall be appointed to receive the same, by warrant or power of attorney under the hand and seal of the *lord high treasurer*, or of the commissioners of the treasury, for the time being, and shall, by force and virtue of this act, be deemed and taken in law to be part of the said land revenues of the crown, and shall be from time to time answered, accounted for, applied, and appropriated to such and the same uses and purposes as the land revenues of the crown now are or would hereafter have been liable to have been applied and appropriated, in case this act had not been made.

Persons receiving any part of the land revenue who shall not obtain a quit-

XXI. And, for the furtherance and more perfect accomplishment of the purposes of this act, be it further enacted, That all and singular persons, who by virtue of any office or employment by them held under the crown, have been intrusted, since his Majesty's accession, with the receipt of any monies arising by rents of his Majesty's lands, or by fines of the same, or by any of the said

said small branches of revenues before mentioned (sheriffs only excepted), or with money arising by sale of any of his Majesty's woods or timber in *England* or *Wales*, and whose several and respective accounts have not been declared and *quittus est* obtained thereon, or shall not be so declared before the first day of *August*, one thousand seven hundred and eighty-seven, and also the heirs, representatives, and sureties of any such persons intrusted as aforesaid, and now deceased, whose accounts are depending and unsettled, and who shall not, within the time aforesaid, procure such accounts of the deceased accountants to be made up and declared in due form of law, shall, and they are hereby severally enjoined and required to deliver such respective accounts of their receipts and expenditure, with their vouchers for the same, unto the said commissioners appointed by this act, who shall thereupon proceed to take such order and course as they shall think fit for the closing, adjusting, and liquidating the same accounts, by or before the auditor of the land revenue, in whole charge and audit such unsettled accounts may happen to be respectively; and if any default shall be made by any of the persons or parties aforesaid, in the bringing before the said commissioners such unsettled accounts and such vouchers as aforesaid, within such time or times as the said commissioners hereby appointed shall limit and appoint for that purpose, it shall and may be lawful to and for the said commissioners, and they are hereby required, under their hands and seals, to certify the same, and the circumstances thereof, to the chancellor and barons of the exchequer for the time being, who shall thereupon award and give forth such processes against the said defaulters as the nature of the case shall require, and the said court think expedient; and in cases of wilful default made in the delivery of any accounts or vouchers, by any of the particular receivers of the rents of the crown, or in the payment of any balance due from them, or any of them, upon the foot of their accounts, it shall and may be lawful to and for the said commissioners hereby appointed, by writing under their hands and seals, to suspend any of such receivers from the further receipt of any rents or revenues in their collection, so that every such suspension shall be forthwith certified by the said commissioners unto the chancellor and barons of the exchequer, who shall and may direct any other person or persons to collect and receive the rents and revenues in the charge of the receiver or receivers so suspended, and to take and enjoy the salaries, and other fees and emoluments of office, appertaining to such receipt and collection, during the continuance of such suspension; and every such suspension shall remain and continue in full force until the said chancellor and barons, by their order, to be made upon the submission of the party or parties so suspended to account for and pay the balance due from him or them, shall think fit, or direct, to take off and discontinue the same; any law, statute, or usage to the contrary notwithstanding.

tus before
Aug. 1, 1787,
to deliver
their accounts
to the com-
missioners to
be liquidated.

Processes to
be issued a-
gainst default-
ers herein,

and if the de-
fault be wil-
ful, the com-
missioners
may suspend
them, etc.

XXII. And be it further enacted, That if any person who

Persons making false oaths incur the penalties of wilful perjury.

shall be examined upon oath or affirmation, or shall make any affidavit or deposition, on oath or affirmation, touching or concerning any of the matters or things by this act directed to be done or enquired into, shall be guilty of falsely and wilfully swearing or affirming in any matter or thing, which, if the same had been sworn or affirmed in any cause or suit depending in any of his Majesty's courts, would have amounted to wilful and corrupt perjury, every person so offending, and being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the laws and statutes of this realm are provided against persons convicted of wilful and corrupt perjury.

His Majesty to appoint commissioners in place of such as may die, or decline to act.

XXIII. And be it further enacted, That if the said commissioners appointed by this act, or either of them, shall decline to act in the execution of the powers and trusts hereof, or, having begun to act therein, shall depart this life during the continuance of this act, it shall and may be lawful to and for his Majesty, by warrant or warrants under his royal sign manual, to constitute and appoint such person or persons to be a commissioner or commissioners for the purposes aforesaid, in the place of the commissioner or commissioners so declining to act or dying as aforesaid, as his Majesty shall think fit, and so often as such case shall happen; and the person or persons so constituted and appointed by his Majesty, having first qualified to act by taking and subscribing the oath herein-before provided and directed, shall be invested with the same powers and authorities as are given or delegated by this act unto the said commissioner or commissioners constituted by this act respectively.

Appointment to the commission not to vacate a seat in parliament, or disqualify from being elected.

XXIV. And be it further enacted and declared, That the appointments of commissioners in the land revenue, made or authorized to be made by this act, shall not be deemed or taken to be within the intent or purview of an act of the sixth year of the reign of Queen Anne, intituled, *An act for the security of her Majesty's person and government, and of the succession of the crown of Great Britain in the Protestant line*, whereby to vacate the seat in parliament of either of the commissioners hereby appointed, or to be hereafter appointed, by virtue of this act, or to disqualify any such commissioner from being elected, or sitting, or voting as a member of the house of commons.

Commissioners not to be hereafter authorized to enquire into royal palaces or adjoining lands.

XXV. Provided always, and be it enacted, That nothing in this act contained shall extend to give unto the said commissioners hereby appointed any power or authority to make any enquiry into, or otherwise to interfere with, any of his Majesty's royal palaces, or any houses occupied by any of the royal family, or the forests, parks, lanes or grounds of his Majesty, adjoining or contiguous to and occupied with any of such palaces or houses respectively, unless in obedience to any commands of his Majesty, to be for that purpose signified under his Majesty's royal sign manual.

Commencement and continuance of this act.

XXVI. And be it further enacted, That this act shall commence from and immediately after it shall have received his Majesty's royal assent, and shall continue in force for the term of three

1786.] Anno vicēsimō sexto GEORGI III. c. 88, 89.
three years, and from thence to the end of the then next session
of parliament.

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C A P. LXXXVIII.

An act for settling and securing a certain annuity for the use of lady Maria Carlton, wife of sir Guy Carlton, knight of the most honourable order of the Bath, and Guy Carlton and Thomas Carlton, sons of the said sir Guy Carlton, in consideration of the eminent services performed by him to his Majesty and this country.

Most gracious Sovereign,

WHEREAS your Majesty, by your most gracious message to Preamble.
your faithful commons, has been pleased to signify your desire of conferring a signal mark of your royal favour on sir Guy Carlton knight of the most honourable order of the Bath, in consideration of the important services performed by him to your Majesty and this country, and for that purpose to grant to lady Maria Carlton, wife of the said sir Guy Carlton, and to Guy Carlton and Thomas Carlton, sons of the said sir Guy Carlton, for their several lives, an annuity of one thousand pounds per annum; but it not being in your Majesty's power to grant the same, or to settle the said annuity for so long a term, recommended it to the house of commons to consider of a proper method of enabling your Majesty to grant the said annuity, and of settling and securing the same in the most effectual manner, &c.

Lady Maria Carlton, Guy Carlton, and Thomas Carlton, to receive an annuity of 1,000*l.* for their lives, from Jan. 1, 1785. Treasury to direct the auditor of the exchequer to make out debentures for the said annuity without fee. Annuity not to be determinable on the demise of his Majesty, his heirs or successors, or by death, or removal, or any lord of the treasury, or the determination of their respective offices. No fee to be required any where on account of the annuity. Receipt of lady Maria Carlton, Guy Carlton, or Thomas Carlton, respectively, to be a sufficient discharge for payment of the annuity, which is to be free of all taxes, and if neglected to be paid, officers of the exchequer may be sued.

C A P. LXXXIX.

An act to explain, amend, and extend to other tools and utensils, an act, made in the twenty-fifth year of the reign of his present Majesty, intituled, An act to prohibit the exportation to foreign parts of tools and utensils made use of in the iron and steel manufacture of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas,

WHEREAS by an act, passed in the last session of parliament, Preamble,
(intituled, An act to prohibit the exportation to foreign reciting
parts of tools and utensils made use of in the iron and steel ma- 25 Geo. 3.
nufactures of this kingdom; and to prevent the seducing of ar- 67.
tificers or workmen, employed in those manufactures, to go into
parts beyond the seas), it was, amongst other things, enacted, That
if any person or persons, in Great Britain should, upon any pretence
whatsoever,

whatever, export, load, or put on board, or pack, or caſe or procure to be laden, put on board, or packed, in order to be laden or put on board of any ſhip or veſſel which ſhould be bound to ſome port or place in parts beyond the ſeas, (except to Ireland); or ſhould lade, or caſe or procure to be laden, on board any boat or other veſſel, or ſhould bring, or caſe to be brought, to any quay, wharf, or other place, in order to be ſo laden or put on board any ſuch ſhip or veſſel, any tool or utenſil therein particularly mentioned, or any other tool or utenſil whatever which then were, or at any time or times thereafter ſhould or might be, uſed in, or proper for the preparing, working, finiſhing, or completing of the iron or ſteel manufactures of this kingdom, or either of them, by what name or names ſoever the ſame ſhould be called or known; or any model or plan, or models or plans, of any ſuch tool, utenſil, or implement, or any part or parts thereof; the perſon or perſons ſo offending ſhould, for every ſuch offence, forfeit and loſe all ſuch tools or utenſils, or parts or pieces thereof, together with the packages, and all other goods packed therewith: and whereas the general prohibition of the exportation of tools and utenſils made uſe of in the iron and ſteel manufactures of this kingdom may be productive of inconvenience; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the tenth day of July, one thouſand ſeven hundred and eighty-fix, it ſhall and may be lawful to export from Great Britain to the Britiſh iſlands in the Weſt Indies, or to any other foreign part or place whatever, any tools or utenſils made uſe of in the iron or ſteel manufactures of this kingdom, which might have been legally exported before the paſſing of the before recited act, (except the ſeveral articles herein-after particularly enumerated; that is to ſay, Rollers, either plain, grooved, or of any other form or denomination, of caſt iron, wrought iron, or ſteel, for the rolling of iron, or any ſort of metals, and frames, beds, pillars, ſcrews, pinions, and each and every implement, tool, or utenſil thereunto belonging; rollers, ſlitters, frames, beds, pillars, and ſcrews, for ſlitting mills; preſſes of all ſorts in iron, ſteel, or other metals, which are uſed with a ſcrew exceeding one inch and an half in diameter; or any parts of theſe ſeveral articles, or any model or models of any of the before-mentioned utenſils, implements, and machines, or any part or parts thereof; and all ſorts of utenſils, engines, or machines uſed in the caſting or boring of cannon, or any ſort of artillery, or any parts thereof, or any model or models of tools, utenſils, engines, or machines uſed in caſting or boring of cannon, or any ſort of artillery, or any parts thereof; hand-ſtamps, dog-head ſtamps, pulley ſtamps, hammers and anvils, for ſtamps, preſſes of all ſorts called *Cutting-out Preſſes*, beds and punches to be uſed therewith; piercing-preſſes of all ſorts, beds and punches to be uſed therewith, either in parts or pieces, or fitted together; ſcoring or ſhading engines, preſſes for horn buttons, dies for horn buttons, rolled metal with ſilver thereon, parts of buttons not fitted

From July 10, 1786, ſuch tools uſed in the iron and ſteel manufactures, etc. may be exported, as might have been before paſſing recited act, except the articles therein ſpecified

fit up into buttons, or in an unfinished ftate; engines for chafing ftocks for cafting buckles, buttons, and rings; die-fink- ing tools of all forts, engines for making button ftanks, laps of all forts, tools for pinching of glafs, engines for covering of whips, bars of ftetal covered with gold or filver, burnifhing ftones commonly called *Blood Stones*, either in the rough ftate or finifhed (for ufe); any thing in the faid recited act to the contrary in anywife notwithstanding.

II. And be it further enacted by the authority aforefaid, That, from and after the tenth day of July, one thoufand feven hundred and eighty-fix, it fhall not be lawful for any perfons, in the kingdom of *Great Britain*, to export to parts beyond the feas, (except to *Ireland*), or to have in his or their poffeffion with the intent fo to export, any of the tools and utenfils herein-after mentioned; that is to fay, Wire moulds for making paper; wheels made of metal, ftone, or wood, for cutting, roughing, fmoothering, polifhing, and engraving glafs; purcellas, pincers, fheers, and pipes, ufed in blowing glafs; potters wheels and potters lathes for plain, round, and for engine-turning tools, ufed by fadlers, harnefs-makers, and bridle-makers, namely, cantle-ftainers, fide-ftainers, point-ftainers, creafing-irons, fcrew-creafers, wheel-irons, feat-irons, pricking-irons, bolftering-irons, clams, head-knives; and that the faid recited act, fo far as the fame concerns the exporters or poffeffors of the tools and utenfils therein enumerated or defcribed, fhall extend, or be conftrued to extend, to all and every the exporters or poffeffors of the tools and utenfils herein enumerated and defcribed, fully, to all intents and purpofes, as if the fame were repeated and re-enacted in the body of this act.

perfon to
e in pof-
fion with
int to ex-
port (except
to Ireland),
any of the
articles here-
in fpecified.

III. And be it further enacted, That this act fhall continue in force until the end of the next feflion of parliament, and no longer.

Recited act,
fo far as re-
lates to ex-
porters of ar-
ticles therein
enumerated,
to extend to
exporters of
articles fpeci-
fied in this
act.

Continuance
of this act.

C A P. XC.

An act for repealing fo much of an act, paffed in the twenty-fecund year of his prefent Majefty's reign, intituled, An act for granting to his Majefty additional duties upon falt; and certain duties upon Glauber or Epfom falts, and alfo on mineral alkali or flux for glafs, made from falt; and to prevent frauds in the duties on foul falt, to be ufed in manuring of lands, as relates to the obtaining rock falt, or falt rock, or brine, or fea water, for the purpofe of making mineral alkali, or flux for glafs, duty-free.

Preamble, reciting 22 Geo. 3. c. 39. in part. From Aug. 1, 1786, fuch part of recited act, as relates to obtaining, duty-free, rock falt, &c. for making a flux for glafs, to be repealed, except as after mentioned. Glafs makers may take rock falt, falt rock, or brine, or fea water, for making a flux for glafs, at their own glafs works, upon the terms of the recited act. This act not to extend to duties due, and charges made, &c. before Aug. 1, 1786.

C A P. XCI.

An act for making perpetual an act, made in the fourteenth year of the reign of his prefent Majefty, intituled, An act for regulating mad- houfes.

C A P. XCII.

An act to continue, for a limited time, an act made in the twenty-fourth year of the reign of his preſent majeſty King George the Third, to explain, amend, and render more effectual, an act, made in the thirtieth year of the reign of his late majeſty King George the Second, intituled, "An act for the more effectual puniſhment of perſons who ſhall attain, or attempt to attain, poſſeſſion of goods or money, by falſe or untrue pretences; for preventing the unlawful pawning of goods; for the eaſy redemption of goods pawned; and for preventing gaming in publick houſes; by journeymen, labourers, ſervants, and apprentices;" ſo far as the ſame relates to the preventing the unlawful pawning of goods; and for the eaſy redemption of goods pawned,

24 Geo. 3. c. 42. recited, and ſo much thereof as relates to the preventing unlawful pawning of goods, and the eaſy redemption of pawns, continued from its expiration to the end of the next ſeſſion. Publick act.

C A P. XCIII.

An act to enable his Majeſty to grant a certain annuity to Brook Watſon eſquire, late commiſſary general in North America, in conſideration of his diligent and meritorious ſervices in that office.

22 Geo. 3. c. 82. recited. 500*l.* annuity may be granted to Brook Watſon eſq; for the life of Helen Watſon, his wife. Grant under this act not to reſtrain his Majeſty from granting any other poſſions.

C A P. XCIV.

An act for making compensation to the proprietors of ſuch lands and hereditaments as have been purchaſed for the more ſafe and convenient carrying on his Majeſty's gunpowder works and mills near the town of Faverſham, and for the better ſecuring his Majeſty's docks, ſhips, and ſtores, at Portſmouth and Plymouth, in purſuance of acts of parliament made in the twenty third and twenty-fourth years of his preſent Majeſty's reign; and for other purpoſes therein mentioned.

23 Geo. 3. c. 37. recited; 24 Geo. 3. c. 29. recited; 33. 890*l.* 15*s.* 1*d.* 3*q.* to be paid to the proprietors of lands, &c. in Kent, Southampton, and Devon, taken poſſeſſion of for publick uſe under recited acts. Surveyor of the ordnance to grant bills to the parties, for their reſpective claims, &c. Sums for which debentures are granted to be paid accordingly; 30*l.* decreed to the dean and chapter of Canterbury, to be paid to ſuch perſon as they ſhall authoriſe to receive it, &c. Money decreed to be paid to truſtees, to be paid by the treaſurer of the ordnance to the deputy King's remembrancer, who is to grant certificates, to be filed in the exchequer. Deputy remembrancer to pay to the bank the money he receives. Barons of exchequer to give directions about monies received by the deputy remembrancer, &c. Vicar of Faverſham, and rector of Alverſtoke, to receive the annual income of the lands decreed for the lands belonging to them. In caſe of death of deputy remembrancer, ſtock veſted in him, to veſt in his ſucceſſor. Alſo on death of deputy, the King's remembrancer ſhall execute the office, the powers of this act to veſt in him. Clerk of the ordnance to depoſit with the clerk of the peace, debentures of perſons neglecting to take the fine in due time, &c. Lands in Hampſhire valued in decree under recited acts, to veſt in his Majeſty from time of payment of the value and thoſe not valued, to be reverted in the proprietors. Limitations of actions, to fix calendar month after fact. General iſſue, may be pleaded, &c. Defendant may have treble coſts.

C A P. XCV.

An act for enlarging the times appointed for the firſt meetings of com-miſſioners,

missioners, and other persons, for putting in execution certain acts of this session of parliament.—To meet in a fortnight after the end of the session.

C A P. XCVI.

An act to provide that the proceedings now depending in the house of commons upon articles of charge of high crimes and misdemeanors, which have been exhibited against Warren Hastings esquire, late governor general of Fort William in Bengal, shall not be discontinued by any prorogation or dissolution of parliament.

C A P. XCVII.

An act for raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-six.—3,000,000*l.* raised by this act.

C A P. XCVIII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for these purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attorneys and solicitors.—Time enlarged to Dec. 25, 1786, and attorneys to file affidavits before Michaelmas term.

C A P. XCIX.

An act to ascertain the fees to be taken by the officers of the receipt of his Majesty's exchequer, on the issues of money which have been made, and shall hereafter be made, for the payment of certain pensions at the receipt of his Majesty's exchequer.

WHEREAS by an act of parliament passed in the twenty-second year of the reign of his present Majesty, (intituled, An act for enabling his Majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil list), it is among other things enacted, That no pension whatsoever, on the civil establishment, shall hereafter be paid but at the exchequer, and in the same manner as those pensions which were then paid and entered at the exchequer under the head, title, and description of Pensions, and with the name of the person to whom, or in trust for whom, the said pension was granted; and that those which were transferred thither by the said act should be subject to no taxes or fees whatsoever, except the taxes and fees to which before the said act they were subject, any statute, law, or usage to the contrary notwithstanding; nor should any pension, hereafter to be granted, be charged at the exchequer with further or other fees than were heretofore paid on pensions to the paymaster of the pensions: and whereas it is recited by the said act, that it being intended that all

a

savings

Preamble.
22 Geo. 3. c.
82, recited.

*savings from salaries and fees of the offices by the said act suppressed, should be applied in aid of the civil list expenses, it is by the said act further enacted, that all fees hitherto payable, and by the said act not excepted, on any payments within the civil list revenues, shall continue to be paid, and remain for the disposal of the commissioners of the treasury: and whereas there have been for many years issues of money out of the receipt of his Majesty's exchequer, under the title of Secret and Special Service, by which many pensions have been paid at the treasury, on which the officers of the receipt of his Majesty's exchequer were allowed to take fees to the amount of two and an half per centum, and likewise issues of money to the paymaster of pensions, on which the said officers were allowed to take fees to the amount of one pound, three shillings, and nine-pence per centum, which fees were never charged upon the said pensions, but were paid by the commissioners of the treasury: and whereas no sufficient provision is made in the said act for the payment of the fees to which the officers of the receipt of his Majesty's exchequer were legally intitled before the passing of the said act, whereby the said officers have been, and may hereafter be prevented from receiving the same, contrary to the intentions of the said act: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful, from and immediately after the fifth day of July, one thousand seven hundred and eighty-six, to and for the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, to issue and pay, or cause to be issued and paid, out of the monies which have arisen, or shall arise, by any savings accruing from the salaries and fees of the offices by the said act suppressed, or from fees payable on any payments within the civil list revenues, which, by the said act, remain for the disposal of the commissioners of the treasury, (or out of any such other of his Majesty's civil list revenues), as they shall think fit, all such sum or sums of money to the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers and clerks of the receipt of his Majesty's exchequer, upon any sum or sums of money issued since the passing of the said act, or to be hereafter issued for the payment of pensions transferred from the treasury, and from the office of paymaster of pensions, to the receipt of his Majesty's exchequer, as the said officers of the receipt of his Majesty's exchequer would have been intitled to have received as their legal fees upon issues of the like sums of money, under the head of *Secret or Special Service*, or to the paymaster of pensions; any thing in the said act contained to the contrary thereof in any wise notwithstanding.*

From July 5, 1786, treasury to pay fees on pensions transferred from treasury and pension office to the exchequer, to officers thereof.

Officers of exchequer may demand fees on pensions granted or to be

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers or clerks of the receipt of his Majesty's exchequer, to demand and take

take upon all pensions granted since the passing of the said act, or hereafter to be granted, the fees of two and one half *per centum*, and no more, (which were the usual fees paid heretofore to the late paymaster of the pensions on pensions paid at that office), according to their respective proportions, which said fees are by the said act charged upon the said pensions.

III. And be it further enacted by the authority aforesaid, That upon the death, surrender, forfeiture, or removal of the auditor, or any or either of the four tellers, the proportion of the said fees belonging to the respective officer so dying, surrendering, forfeiting, or being removed, shall be applied to the uses and purposes directed by an act of the twenty-third year of the reign of his present Majesty, (intituled, *An act for establishing certain regulations in the receipt of his Majesty's exchequer*); and such proportion of the said fees, belonging to the clerk of the pells, as are allowed to be taken upon monies issued for the payment of the said pensions during the life of the right honourable sir *Edward Walpole*, late clerk of the pells, be paid to his legal representative or representatives; and such proportion of the said fees as are or shall be allowed to be taken upon monies issued for the payment of the said pensions since the decease of the said late sir *Edward Walpole*, shall be reserved for the uses and purposes directed by the said act.

On death of the auditor, etc the fees to be applied to the purposes of the recited act, etc.

IV. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and shall be taken notice of as such by all judges, justices, and other persons, without specially pleading the same.

C A P. C.

An act to prevent occasional inhabitants from voting in the election of members to serve in parliament, for cities and boroughs, in that part of Great Britain called England, and the dominion of Wales.

WHEREAS it frequently happens, in cities and boroughs where the right of election of members to serve in parliament is in the inhabitants paying scot and lot, or in the inhabitants householders, housekeepers, and pot-wallers, legally settled, or in the inhabitants householders, housekeepers, and pot-waller, or in the inhabitants householders residents, or in the inhabitants within such cities or boroughs, that much trouble, expence, and litigation, is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs: and to whom the right of sending members to parliament belongs: for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no person shall be admitted to vote at any election of a member or members to serve in parliament for any city or borough of that part of *Great Britain* called *England*, *scot and lot*,

Preamble.
From Aug. 1, 1786, any person voting as an inhabitant, paying

etc. who shall not have been so 6 months previous to the election, to forfeit 20l.;

England, or the dominion of *Wales*, as an inhabitant paying scot and lot, or as an inhabitant householder, housekeeper, and pot-waller, legally settled, or as an inhabitant householder, housekeeper, and pot waller, or as an inhabitant householder tenant, or as an inhabitant of such city or borough, unless he shall have been actually and *bona fide* an inhabitant paying scot and lot, or an inhabitant householder, housekeeper, and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder tenant, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election, contrary to the true intent and meaning of this act, his vote shall be deemed null and void, and he shall forfeit, to any person who shall sue for the same, the sum of twenty pounds, to be recovered by him or her, by action of debt, in any of His Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought: provided nevertheless, That such action be commenced within six calendar months after the cause of action accrued: provided also, That nothing in this act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

but not to extend to persons acquiring possession by descent, etc.

nor to persons claiming a right to vote under any other description than inhabitants paying scot and lot, etc.

II. Provided also, and be it further enacted, That this act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers, and pot-waller, legally settled, or as inhabitants householders, housekeepers, and pot-waller, or as inhabitants householders tenants, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

C A P. CI.

An act for erecting certain light-houses in the northern parts of Great Britain.

Preamble.

WHEREAS it would conduce greatly to the security of navigation and the fisheries, if four light houses were erected in the northern parts of Great Britain; one at Kinnaird's Head, in the county of Aberdeen; one on the island of North Rann lha, in the Orkneys; one on the point of Scalpa, in the island of Herries; and a fourth on the Mull of Kintyre: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

parliament assembled, and by the authority of the same, That Any five of the commissioners hereby appointed may agree for land for erecting light-houses in the northern parts of Great Britain. and shall be lawful to and for his Majesty's advocate and solicitor-general for Scotland; the lord provost, and eldest baillie of Edinburgh; the lord provost, and eldest baillie of Glasgow; the provosts of Aberdeen, Inverness, and Campbeltown; the sheriff's depute of the counties of Edinburgh, Lanerk, Renfrew, Bute, Argyll, Inverness, Ross, Orkney, Caithness, and Aberdeen, for the time being, or any five of them, which number is hereby declared to be a *quorum*, who are hereby appointed commissioners or trustees for putting this act in execution, to contract and agree with the owners or proprietors of lands, lying and situated at the places aforesaid, and most convenient for erecting the said light-houses, for so much land as may be necessary for that purpose, and shall pay such rate and consideration for the same, as shall be agreed on between the said commissioners or trustees, and the owners or proprietors of such lands, either by absolute purchase, or by payment of a rent, or certain annual sum for the same.

II. And whereas it may happen that some of the owners, proprietors, or occupiers of such land, which may be necessary for erecting the said light-houses, may insist upon too high prices or rents for the same, or through infancy, minority, defect of the title deeds, incumbrances, debts, or other disabilities or causes, it may be difficult to obtain valid and legal rights to some of the properties necessary to be used for these purposes; for remedy whereof, be it enacted by the authority aforesaid, That if any owners or occupiers of any lands or heritages shall be under any of the circumstances before described, it shall and may be lawful for the said commissioners or trustees, and they are hereby authorised and empowered to apply to the sheriff depute of the county where such lands and heritages shall respectively lie, who, upon such application, is hereby empowered and required to order a visitation and inspection of such lands and heritages, and to call before him the respective owners, proprietors, or occupiers thereof, or the trustees, tutors, or curators, or others, having the charge and administration of the affairs of such owners, proprietors, or occupiers, requiring them, within a limited time, to shew cause why such lands and heritages, may not be alienated, granted, or leased for the purposes aforesaid; and thereupon the said sheriff shall proceed to hear the said parties, and to pronounce sentence upon the said matter as shall be reasonable and just: provided always, That if any person or persons shall think him or themselves aggrieved by the sentence of the said sheriff, that it shall and may be lawful to such person or persons to apply, by petition, to the lords of council and session to have such sentence reviewed, altered, or amended, and the lords of session are hereby empowered and required to proceed and determine therein summarily, without abiding the course of any roll: provided always, That such application be made to the lords of session within twenty-one days after the date of the sheriff's sentence, if the court be then sitting, or within six days after the meeting of the said court.

Sheriffs depute to order inspection of lands where differences arise relative to price, etc.

Appeal may be moved from the sheriffs to the lords of council and session.

III. And

Sheriffs to
summon juries
to determine
the value of
lands.

III. And be it enacted by the authority aforesaid, That if upon trial it shall appear to the said sheriff, that the same may be alienated, granted, or leased, without hurt or prejudice of the said owners, proprietors, or occupiers, and shall be so found and declared, then, for ascertaining the value or consideration, or rent to be paid for the said lands and heritages, it shall and may be lawful to and for the said sheriff, and he is hereby impowered and required, after the elapsing of the said space in which the persons who may think themselves aggrieved are allowed, to apply to the court of session for redreis aforesaid; or in case of any such application, after a decree of the said lords shall be extracted thereupon, to summon and impanel a competent number of discreet, substantial, and disinterested persons of the county in which the lands are situated, not less than twenty, nor more than forty, and out of such persons so summoned and returned, to name and appoint a jury of fifteen persons, each of them possessed of an estate of fifty pounds Scots valued rent in the county, to come and appear before him, at such time and place as by his warrant or precept shall be directed, and to receive such evidence as shall by either party be brought before him; and the said sheriff shall examine the said evidence upon oath (which oath he is hereby authorised and impowered to administer), touching the value, consideration, or rent, to be paid to the respective owners, proprietors, or occupiers of the said lands or heritages, necessary for erecting the said light-houses; and the verdict of the said jury shall be final and conclusive: provided always, That all parties concerned shall have their lawful challenges against any of the said jurymen.

Sheriffs to
order pay-
ment of sums
awarded by
verdict of
juries, &c

IV. And be it further enacted by the authority aforesaid, That the said sheriff depute shall, and he is hereby authorised and required, upon such verdict given, to order payment of such sum or sums of money, or the rents or certain annual sums, and to ordain the owners, proprietors, or occupiers of such lands and heritages, or their trustees, tutors, curators, or administrators, to convey, grant, or lease to the said commissioners or trustees, all such lands and heritages for the purposes aforesaid; and all contracts, agreements, sales, leases, or other conveyances, made or directed to be made, shall be valid to all intents and purposes; any law, statute, usage, or any other matter or thing whatsoever, to the contrary thereof notwithstanding: and all trustees, tutors, or curators, corporations, proprietors, or incumbancers, subject to tailzies, and all other persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of this act: provided always, That the price, consideration, feu-duty, rents, or annual sum, to be paid for the said lands, shall be settled or vested, in trustees, so as to descend and be devised to the same heirs of tailzie, and be subject to all such trusts, conditions, and limitations, as are contained in the original settlements, deeds, or tailzies, of the respectively lands so conveyed for the purposes aforesaid.

Commission-
ers to appoint
collectors.

V. And be it enacted, That it shall and may be lawful to and for

For the said commissioners or trustees to chuse and appoint, by writing under their hands, clerks or collectors for levying the duties herein after mentioned, and such other officers as they shall judge necessary to be employed under them, for carrying this act into execution, and from time to time to remove such officers, or any of them, and to appoint others in their stead, and to settle such fees or salaries to such clerks, collectors, and other officers, as the said trustees shall judge reasonable.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners or trustees to erect, or cause to be erected, upon the foresaid lands, proper light-houses, with such other buildings and conveniencies as to them shall appear necessary; and also to erect, or cause to be erected, breasts or wharfs for landing coals or fuel for burning in such light-houses, or any materials necessary for the building and maintaining the same; and also to make, or cause to be made, roads from the said breasts or wharfs to the said light houses.

Commissioners to erect light-houses, etc.

VII. And be it further enacted by the authority aforesaid, That from and after the time such light-houses shall be finished, in such manner as to have the proper lights or signals put up therein, it shall and may be lawful to and for the said trustees, or for such persons as they shall appoint, to demand, collect, receive, and take, of and from all and every the masters and owners of every ship or decked vessel, the sums following; (that is to say),

When light-houses are completed, the duties following to be paid by ships passing them.

From every *British* ship or decked vessel, navigated according to law, which shall pass any of the said light-houses, whether the said ship or vessel shall be outward or homeward bound, or on a foreign voyage, or sailing coastways, a sum not exceeding one penny sterling *per ton*:

For every British vessel, 1d. sterling per ton:

And for every foreign ship or decked vessel, passing as aforesaid, a sum not exceeding two-pence sterling *per ton*.

If foreign, 2d. per ton.

VIII. Provided always, and be it further enacted by the authority aforesaid, That the said commissioners or trustees shall, out of the duties hereby granted, satisfy and pay to the owners, proprietors, or occupiers of the said lands, on which the said light-houses are to be erected, the consideration, feu-duty, or rent agreed or awarded to be paid for the same.

Consideration money for lands to be paid out of the duties.

IX. And be it enacted by the authority aforesaid, That the said trustees shall keep and enter, in proper books, minutes of their proceedings, and fair, just and true accounts of the receipts and disbursements of all monies which shall be received or expended by them in consequence of this act, and shall cause to be made out and properly authenticated, once in every year, four copies of the said accounts, whereof one shall be transmitted to the lord high treasurer of *Great Britain*, or lords commissioners of his Majesty's treasury; two to the commissioners of his Majesty's customs at *Edinburgh*, to be presented by them

Annual accounts of receipts and disbursements to be sent to the treasury, etc.

Commissioners may borrow 1,000l. and the expences of this act, on credit of the duties.

to both houses of parliament; and one to be delivered to the annual convention of the royal boroughs in *Scotland*.

X. And be it further enacted by the authority aforesaid, That the said commissioners or trustees shall be, and they are hereby impowered and declared to have full power and lawful authority, at any time or times hereafter, by any mortgage or mortgages, or any act or acts, deed or deeds, under their hands duly executed, to borrow or take up, at a rate of interest not exceeding the lawful interest at the time of the loan, any sum or sums of money, not exceeding one thousand pounds sterling, upon the security and credit of the duties granted by this act, for answering the expences of making the works aforesaid, and such further sum as shall be sufficient to discharge the expence of obtaining and passing this act; and may assign such duties to any person or persons, body politick or corporate, who shall furnish or advance such money, or any part thereof, as a security for repayment of the same.

No entry of ships liable to the duty to be received, unless a receipt for the same be produced.

XI. And, *as to the intent the duties may be duly answered and paid*, be it further enacted by the authority aforesaid, That the collectors of his Majesty's customs, comptrollers, receivers of entries, surveyors or searchers, waiters, and all other officers of the customs whatsoever, or their respective deputies or clerks, at any of the ports, harbours, or places of *Great Britain*, shall not, after the commencement of the said duties, take or receive any entry or cocket, or other discharge or clearance, or take any report outwards, for any ship or vessel liable or subject to the said duties, until the said duties shall be paid pursuant to the directions of this act, to the respective collectors to be appointed by the said commissioners or trustees to receive the same, and until such respective master or owner of any ship or vessel, subject to the said payment thereof, shall shew to such respective officer a receipt for the same.

Goods may be seized if duties are not paid, etc.

XII. And be it further enacted by the authority aforesaid, That in case any owner or master, or any person having the charge or command of any such ship or ships, vessel or vessels, charged or chargeable with any of the duties granted by this act, shall refuse to pay the same, that then and in such case it shall and may be lawful to and for the said trustees, or the collector or collectors, or other persons to be appointed by them, to seize, take, and detain, preferable to, and notwithstanding any right or hypothecation, attachment, arrestment, or other right whatsoever, claimable by or due to any person, any of the goods, merchandize, guns, tackle, furniture, and apparel, of or belonging to any such ship or vessel, and the same to detain and keep until the said duties shall be satisfied and paid; and in case of any neglect or delay in payment of the said duties for the space of three days after such seizing, taking, or detaining, that then it shall and may be lawful for the said trustees, or the collector or collectors, receiver or receivers of the said duties, or such person or persons as the said trustees shall authorize and appoint, to cause the same to be appraised by two or more sufficient

great persons or foreign merchants, and afterwards to sell and dispose of the goods so taken and appraised, and consent to satisfy the said duties so neglected to be paid, together with the charges of such seizure, taking, detaining, and selling the same, shall be ascertained by the said seizure, upon oath, rendering to the masters or owners of such ship or vessel the overplus (if any there be) on demand provided nevertheless, That nothing in this act contained shall extend, or be construed to extend to charge any of the ships or vessels belonging to his Majesty, his heirs or successors, or any vessel or wherry employed in the service of his Majesty's revenue, or any ships or vessels employed in the *Greenland* or other northern whale fishery, or going to *Archangel* in *Russia*, or returning from thence, provided the said ships return before the fifteenth day of *September* in each year.

Exemption from duties in favour of the royal navy, etc.

XIII. Provided also, and be it enacted, That no ship or vessel, whether outward or homeward bound, or sailing coastwards, shall pay more than one penny or two-pence as aforesaid, although the said ship or vessel shall have, in the course of the said voyage, passed more than one of the said light-houses.

Vessels passing more than one light-house to pay duty only once.

XIV. And be it further enacted, That as soon as the four light-houses aforesaid are built and lighted in a proper manner, notice thereof shall be given by the commissioners or trustees three several times in the *London Gazette*, and in all the *Edinburgh* newspapers, and the said duty on the tonnage of ships and vessels passing the said light-houses shall only commence and be exigible one calendar month after the date of such first notice in the said *Gazette* and newspapers.

Duties not payable till a month after notice of the light houses being completed.

XV. And it is hereby further enacted and declared by the authority aforesaid, That the said light-houses and other buildings shall be vested in the said trustees or commissioners, who shall, from time to time, keep and maintain the same in good and sufficient repair, and shall in the night season maintain a proper fire or light therein, so as the trade, navigation, and the fisheries may be effectually benefited, according to the true intent and meaning of this act, and it shall and may be lawful to and for the said commissioners and trustees, out of the said duties granted by this act, to pay all just and reasonable sums of money and charges that shall or may be expended in erecting, maintaining, and supporting the said light houses, and fire or light to be kept therein, together with all other charges which shall be proper and necessary for executing the aforesaid trust, and the interest of all such sums from the respective times of advancing the same until reimbursement, with the charges of collecting and recovering the duties aforesaid, and likewise to the discharge of the principal of the said sums.

Light houses to be vested in the commissioners, etc.

XVI. And be it further enacted by the authority aforesaid, That if any surplus shall remain, after the several payments herein-before directed to be made, the same shall, once in every year, be vested in some one or other of the publick funds of the kingdom, and shall be allowed, together with its interest, to accumulate until the yearly interest of the same shall amount

Surplus of duties to be vested in the funds, and when sufficient to the ex-

pences of the
light-houſes,
duties to
ceafe.

to a ſum equal to the whole expence attending the ſaid light-houſes; and that, how ſoon the ſaid intereſt ſhall amount to the ſum neceſſary for the purpoſes of the ſaid light-houſes, then, and in that caſe, the ſums that ſhall have been heretofore payable by the ſeveral ſhips and veſſels paſſing the ſaid light-houſes, ſhall *ipſo facto* ceaſe, determine, and be no longer payable.

Commiſſion-
ers may com-
pound for
duties.

XVII. And be it enacted by the authority aforeſaid, That if the ſaid commiſſioners or truſtees, at their annual general meeting to be herein-after appointed, ſhall find that the payment of the ſeveral duties aforeſaid bears particularly hard on any ſhips or veſſels, by reaſon of the ſaid ſhips or veſſels paſſing frequently in the ſame year ſome one or other of the ſaid light-houſes, and being employed in a trade which cannot bear a frequent repetition of the ſaid duties, it ſhall be lawful for the ſaid commiſſioners or truſtees, on a representation from the maſters or owners of the ſaid ſhips or veſſels, or of the perſons concerned in the ſaid trade, and on the truth of the allegations contained in the ſaid representation being proved to the ſatisfaction of the ſaid commiſſioners or truſtees, to compound with, or agree by the year with, the maſters or owners of the ſaid ſhips or veſſels for a leſſer ſum than the duties *per ton* exigible at the time would amount to.

Meetings of
commiſſion-
ers.

XVIII. And, for carrying this act into execution, be it enacted by the authority aforeſaid, That there ſhall be a general meeting of the ſaid commiſſioners or truſtees, held at *Edinburgh* on the firſt *Tueſday* of *Auguſt*, in the year one thouſand ſeven hundred and eighty-fix, and in every ſubſequent year on the *Tueſday* of the week in which the general convention of the royal boroughs in *Scotland* is held; which meetings ſhall have power to adjourn from time to time: provided always, That all alterations in the rates of the duties to be paid as aforeſaid ſhall be made at one of the ſaid general meetings, and the accounts audited and paſſed at the ſaid general meetings.

Defendants
may plead this
act, and to be
entitled to
double coſts.

XIX. And be it further enacted by the authority aforeſaid, That, in caſe any ſuit or action ſhall be commenced againſt the ſaid commiſſioners or truſtees, or any other perſon or perſons, for any thing done in purſuance of this act, the defendant or defendants, in ſuch ſuit or action, may produce this act, and plead that the ſaid things were done in purſuance and by the authority of this act, and if it ſhall appear ſo to be done, that then the defendants ſhall be abſolved from every ſuch ſuit, action or actions, and ſhall have double coſts and expences in the defence thereof awarded to them, from and againſt the proſecutor or proſecutors of the ſame.

Sheriffs, etc.
to aſſiſt in the
execution of
this act.

XX. And be it further enacted by the authority aforeſaid, That all ſheriffs, juſtices of the peace, judges, magiſtrates, with their officers, meſſengers at arms, and all other officers and executors of the law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this act into due and effectual execution.

XXI. And

XXI. And be it further enacted by the authority aforesaid, That this act shall be deemed, taken, and allowed, in all courts of law or equity, as a publick act; and all judges and justices of such courts are hereby required to take notice of it as such, without specially pleading the same. Publick act.

C A P. CII.

An act for enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for empowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting the squares, streets, and lanes, within the city and liberty of Westminster, and parts adjacent, to collect certain tolls on Sundays upon the several roads therein mentioned, and apply the same for the purposes of the said acts.

5 Geo. 3. c. 13, recited. 7 Geo. 3. c. 101, and continued for 21 years (except as to stamp duties). Enabling the trustees to apply part of the tolls in aid of the 1000l. per ann. paid for paving piccadilly, etc. Expences of this act to be paid out of the first money raised.

C A P. CIII.

An act for assessing the commissioners, clerks, and other officers of the office for victualling his Majesty's navy, for their salaries, and the profits of their respective offices, to the land tax, in the manor of East Smithfield, in the tower division, in the county of Middlesex, notwithstanding the removal of the said office into any other division or place.

t. 3. land tax this session. Commissioners, etc. of victualling office to continue to be assessed to the land tax in East Smithfield, on the removal of the office; but one fourth of assessment for appointments created since Feb. 17, 1692, and the whole for those from Dec. 25, 1785, to be paid to the division to which the office may be removed. Publick act.

C A P. CIV.

An act for allowing a drawback of the duties upon coals used in smelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines, within the Isle of Anglesey.

WHEREAS there are within the Isle of Anglesey considerable mines of copper and lead, but for want of coals and other fuel within the said isle proper for smelting the copper and lead ores raised from the said mines, the said ores, in order to be smelted, are always carried to places where coals pay no duty, as under the present duties upon coals, added to the expences of freight, and other charges, the ore from the said mines cannot be smelted within the said isle without considerable loss to the proprietors, who are thereby prevented from working the said mines effectually: and whereas, by reason of the increasing depth of the said mines and the situation of the ore, it will be impossible for the water to be kept out of them without the help of fire engines, in working of which great quantities of coals must be used, whereby the owners and proprietors of the said mines will be under the same difficulties and discouragements as in supplying themselves with coals for the purpose of smelting: and whereas the encouragement of the working of copper and lead mines within the

said-isse will contribute as well to the employment of many miners and labourers within the isle, as to the increase of the trade and manufactures of the kingdom in general: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, for all coals which shall be used in calcining or smelting copper and lead ores, within the Isle of Anglesey, or which shall be used in fire engines for draining water out of the mines of copper and lead within the said isle, for which duties have been first answered and paid, a drawback shall be allowed and made of all such duties, upon proof by oath being first made before the customer or collector of the said duties (which oath he is hereby impow'rd and required to administer) that such coals have been so used and applied; which drawback of all the said duties shall be returned and paid, by the collector of the said duties, to such person or persons so making proof as aforesaid, or such other person or persons as hath or have first answered and paid the said duties.

From July 5, 1786, drawbacks to be allowed of all duties paid for coals used for smelting copper and lead ores, etc. in Anglesey.

II. Provided always, and it is hereby enacted by the authority aforesaid, That the amount of such drawbacks shall not exceed the sum of one thousand five hundred pounds in any one year, to commence and be computed from the twenty-fourth day of June, annually; and that the customer or collector of the said duties shall keep an account of the drawbacks returned and paid by him in pursuance of this act, and that he shall not allow or return duties to a greater amount than herein-before mentioned; any thing herein contained to the contrary thereof in anywise notwithstanding.

Drawbacks not to exceed 1,500l. in one year.

C A P. CV.

An act for continuing the salaries and profits of the commissioners, clerks, and other officers, of the pay office and navy office respectively, rateable to the land tax, in the wards of Broad Street and Tower, within the city of London, notwithstanding the said offices should be removed into any other division or place.

Land tax c. 3. of this session. Commissioners, etc. of the navy pay office, and navy office, to continue to be assessed to the land tax in the wards of Broad Street and Tower, though the offices be removed. One fourth of assessment for appointments created since Feb 15, 1692, and the whole for those created since Dec. 25, 1785, to be paid to the district to which the offices may be removed. Publick act.

C A P. CVI.

An Act for incorporating certain persons therein named, by the name and stile of The British Society for extending the Fisheries, and improving the Sea Coasts of this Kingdom; and to enable them, when incorporated, to subscribe a joint stock, and therewith to purchase lands, and build thereon free towns, villages, and fishing

ing ſtations in the biglands and iſlands in that part of Great Britain called Scotland; and for other purpoſes.

WHEREAS the building of free towns, villages, harbours, quays, piers, and fiſhing ſtations, in the biglands and iſlands of North Britain, will greatly contribute to the improvement of fiſh-eries, agriculture, manufactures, and other uſeful objects of induſtry in that part of the kingdom, in which the diſperſed ſituation of the inhabitants hath hitherto proved a great impediment to their active exertions; and their being collected into fiſhing towns and villages would be the means of forming a nurſery of hardy ſeamen for his Maſteſty's navy, and the defence of the kingdom: and whereas the finding immediate employment at home for great numbers of people, would be the means of putting a ſtop to the dangerous ſpirit of emigration now prevailing, and likely to prevail in a great degree, to the depopulation of that part of his Maſteſty's dominions, and loſs to the kingdom of many of his Maſteſty's uſeful ſubjects: and whereas an undertaking for theſe laudable purpoſes cannot be ſo conveniently or effectually carried on unleſs a conſiderable joint ſtock be raiſed for that purpoſe: and whereas ſeveral perſons have already formed themſelves into a ſociety, and ſubſcribed conſiderable ſums for carrying the purpoſes above-mentioned into execution, but are apprehenſive that difficulties may ariſe, as well in recovering debts which may grow due to the joint ſtock, as in defending ſuits or actions which may be commenced or brought againſt the ſubſcribers for any matter or thing relative to the joint ſociety, as by law, all the ſeveral ſubſcribers and proprieters in the joint ſociety muſt, in ſuch caſes, both ſue and be ſued, implead and be impleaded, by their ſeveral diſtinct names and deſcriptions, and to prevent the ſeveral ſubſcribers from becoming liable to the payment of any ſum or ſums beyond their reſpective ſhares in ſuch capital joint ſtock; therefore, for the more eaſily carrying into execution the ſeveral undertakings herein-before mentioned, and for avoiding the difficulties aforeſaid, the ſaid ſociety are deſirous of being incorporated, and having a common ſeal and name, by which they may ſue and be ſued, implead and be impleaded: may it therefore pleaſe your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the moſt noble John duke of Argyll, the moſt noble John duke of Athol, the right honourable George Campbell commonly called Marquis of Lorn, the right honourable James Graham commonly called Marquis of Graham, the right honourable Archibald earl of Eglington, the right honourable Francis earl of Moray, the right honourable James earl of Abercorn, the right honourable John earl of Roſadubane, the right honourable John earl of Dunmore, the right honourable Anthony earl of Kintore, the right honourable Adam Gordon commonly called Lord Adam Gordon, the right honourable Frederick Campbell commonly called Lord Frederick Campbell, the right honourable George Leveſon Gower commonly called Earl Gower, the right honourable lord Mac-

Preamble.

Members of
the corporation.

donald, the right honourable Henry Dundas, the honourable—
 major general James Murray, the honourable Archibald Fraſer,
 ſir Harbord Harbord baronet, ſir Hugh Munro baronet, ſir Adam
 Fergusſon baronet, ſir James Riddle baronet, ſir Robert Herries
 knight, ſir George Young knight, Hay Campbell eſquire, Archibald
 Macdonald eſquire, captain Colin Campbell, Neil Malcolm, Francis
 Humberſtone Mackenzie, George Dempſter, John Hamilton Demp-
 ſter, Duncan Campbell of Lochmill, Kenneth Murchiſon, George
 Stewart, John Mackenzie of Biſhopsgate Street London, Kenneth
 Mackenzie of Terridan, major James Munro, Angus Macaulay,
 colonel John Small, John Miller, John Call, Henry Beaufoy,
 John Macgillivray, John Knox, John Mackenzie of Lenton,
 George Guthbert, Lewis Guthbert, Alan Cameron, lieutenant John
 Mackay, Alexander Anderſon, Iſaac Hawkins Brown, Patrick
 Home, captain Donald Campbell, Thomas Hoby, James Fraſer,
 William Wilberforce, Duncan Campbell of Minching Lane London,
 Alexander Blair, John Campbell, David Dale, Alexander Roſi,
 Duncan Davidson, David Mitchell, captain William Fraſer, Ken-
 neth Mackenzie of Gower Street London, Alexander Pringle,
 J. S. F. Fraſer, James Webſter, David Webſter, Callender
 late of Bombay, David Anderſon, general Fletcher Campbell, John
 Ogilvie, Thomas Longlands, lieutenant general Henry Fletcher, Adam
 Drummond, Alexander Fraſer, Robert Grant, William Grant, John
 Poſſy, Thomas Ogilvie, William Hamilton, James Stewart, Alex-
 ander Macintosh, Robert Fairſul, lieutenant Roderick Mackenzie,
 John Grant, Thomas Miles Riddle, lieutenant general Richard
 Perſſots, lieutenant general Edward Maxwell, their executors,
 adminiſtrators, and assigns; and every other perſon or perſons,
 who ſhall hereafter, either in their own right, or as executors,
 adminiſtrators, ſucceſſors, or assigns, in right of any other per-
 ſon or perſons, become proprietors of, or intereſted in any part
 or ſum of the ſaid joint capital ſtock or fund herein-after men-
 tioned, ſhall be, and they are hereby made a diſtinct and ſepa-
 rate body politick and corporate, in deed and in name, by the
 name or ſtile of *The Britiſh Society for extending the Fiſheries, and
 improving the Sea Coaſts of this Kingdom*; and that by the above
 name they ſhall have ſucceſſion and a common ſeal, and that
 they and their ſucceſſors may, from time to time, break, alter,
 or make new or change ſuch common ſeal, as ſhall be found
 moſt expedient; and that the ſaid ſociety ſhall be able and ca-
 pable in law, and ſhall have perfect and full power and ability
 in law, to have, purchaſe, receive, take, and enjoy lands,
 tenements, and hereditaments of what kind, nature, or quality
 ſoever.

Corporate
name.

—Bodies corpo-
rate, etc. may
ſell and con-
vey lands.

II. And be it enacted by the authority aforeſaid, That any
 perſon or perſons, body politick or corporate, may give, grant,
 bargain, ſell, or convey to the ſaid ſociety, any lands, tene-
 ments, or hereditaments, for the uſe and benefit of the ſaid
 ſociety; and that the ſaid ſociety ſhall have power and ability
 in law to grant, ſell, demife, alien, or diſpoſe of ſuch lands, te-
 nements, and hereditaments, or any part thereof, at their will
 and

and pleasure, and in their corporate name shall and may be able in law to sue and implead, be sued and impleaded, answer and be answered, in any court of record or elsewhere, in all causes and actions whatsoever, for, touching, or concerning the said corporation.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said society to raise a capital joint stock, to be applied to purchasing or otherwise acquiring lands and tenements in perpetuity, and for the building of free towns and villages, harbours, quays, piers, and fishing stations, on such lands so purchased or acquired, and on no other lands or tenements whatsoever, not exceeding the sum of one hundred and fifty thousand pounds sterling, at such time and in such proportions as at any general court or courts of the said society to be holden in pursuance of this act shall be directed; and that the same shall be divided into a number of shares, each share not exceeding the sum of fifty pounds sterling; and that no one person subscribing shall become proprietor of more than ten shares, in his, her, or their names, otherwise than by bequest or operation of law; and if it shall so happen, that any number of persons subscribing, are actually members of a joint partnership in business, they shall jointly be considered as one name or person, holding a share or shares not exceeding ten in number, for any one joint partnership, or in the name of any other person or persons in trust for him, her, or them (except the same shall come to him, her, or them, by devise, bequest, marriage, or act of law), upon pain of forfeiting to the said society all such shares, exceeding ten shares as aforesaid, and the money so to be raised is hereby appointed to be applied in the purchase of lands, as aforesaid, and for the purpose of building by publick advertised contracts, free towns and villages, harbours, quays, piers, and fishing stations thereupon: provided always, That it shall in no case be lawful for the said society to borrow any sum or sums of money whatsoever; and they are hereby prohibited from borrowing the same.

IV. And be it further enacted by the authority aforesaid, That the said sum of one hundred and fifty thousand pounds sterling, or such sum as shall be raised, by the persons herein-before named, or by such person or persons as may hereafter become a proprietor or proprietors of the said society, so divided into shares of fifty pounds sterling each share, shall be, and the same are hereby vested in the several persons herein-before described, and their several respective executors, administrators, successors, and assigns, for their and every of their proper use and benefit, proportionably to the sum they and each of them shall severally subscribe and pay thereunto; and all and every of the said shares shall be deemed to be personal estate, and transmitted as such, and not of the nature of real property; and all and every person or persons, their several and respective executor or executors, administrators and assigns, who shall severally subscribe the sum of fifty pounds sterling, or such sum or sums

Capital joint
stock.

Stock to be
divided into
shares.

as ſhall be demanded in part thereof, towards eſtabliſhing and carrying into execution the undertakings of the ſaid ſociety, ſhall be entitled to and receive the entire and neat diſtribution of the profits and advantages which ſhall or may ariſe or accrue by virtue of the ſaid ſum and ſums of money to be raiſed, recovered, and received by the authority of this act, and ſo in proportion for any greater number of ſhares, not exceeding ten ſhares as aforeſaid, and every perſon or perſons having ſuch property of one ſhare of the ſaid undertaking, and ſo in proportion as aforeſaid, ſhall bear and pay a proportionable ſum of money towards carrying on the ſaid undertaking, in manner herein-after enacted, directed, and appointed, ſuch ſum or ſums not exceeding ſuch ſhare or ſhares, as any perſon or perſons ſhall have ſubſcribed to the capital ſtock of the ſociety.

V. *And, to the end that all matters and things touching or relating to the eſtabliſhing and carrying on the ſaid ſociety, may be managed and conducted in the moſt beneficial manner;* be it further enacted by the authority aforeſaid, That every perſon who ſhall have ſubſcribed for one ſhare of the joint ſtock, his or her reſpective executors, adminiſtrators, and aſſigns, in every or any publick meeting or aſſembly to be held as herein-after directed for carrying on the buſineſs of the ſaid ſociety, ſhall have liberty, by him or her, or by his or her proxy, under his or her hand, to give for one or two ſhares, one vote, and no more; for three or four ſhares, two votes, and no more; for five, ſix, or ſeven ſhares, three votes, and no more; for eight or nine ſhares, four votes, and no more; for ten ſhares, five votes, and no more; and whatever queſtion of election, or other queſtion whatſoever, ſhall be propoſed, diſcuſſed, or conſidered, in any publick aſſembly or meeting to be held under and by virtue of this act, ſhall be finally determined by the majority of votes then preſent in perſon or by proxy, qualified as aforeſaid.

Votes recorded
ing to ſhares.

VI. And be it enacted by the authority aforeſaid, That, in caſe more perſons than one ſhall incline to hold in their joint names one or more ſhares of the ſaid joint ſtock, one only of ſuch perſons ſhall be entitled to vote when preſent, according to the priority of their names in the original ſubſcription, or they may in the abſence of the whole give their vote or votes by proxy, as herein-before mentioned, to be appointed by a majority of the ſaid joint ſubſcribers under their hands; and that all bodies politick and corporate, who ſhall be proprietors of any ſhare or ſhares in the ſaid joint ſtock, ſhall be entitled in like manner to vote by proxy, duly conſtituted under their corporate ſeal.

Shares held
by more than
one perſon.

VII. And be it enacted by the authority aforeſaid, That no perſon ſhall be capable of acting as proxy, unleſs he be a proprietor, and that no one proprietor ſhall hold more than five votes by proxy.

VIII. And be it further enacted by the authority aforeſaid, That a book or books for ſubſcriptions ſhall be provided within one month after the tenth day of *July*, one thouſand ſeven hundred and eighty-ſix; in which book or books the ſaid joint ſtock ſhall

Subſcriptions
to be entered
in a book.

shall be fubfcribed by the members of the faid fociety, and that none of the faid members fhall fubfcribe more than the fum of five hundred pounds fterling in his, her, or their names; and that all and every the proprietors of the fums fo fubfcribed fhall pay his, her, or their fhares and proportions of the monies fubfcribed, at fuch times and places as fhall be appointed for the receipt of fuch fums of money as fhall from time to time be ordered to be paid in purfuance of any call or calls to be made, in manner to be regulated by the bye-laws of the fociety, of which feveral calls two calendar months notice at the leaft fhall be given, by publishing the fame in the *London Gazette*, by the direction of a general meeting of the faid proprietors; and if any perfon or perfons fhall wilfully neglect or refufe to pay his, her, or their rateable and proportionable part or fhare, parts or fhares, of fuch monies fo to be called for as aforefaid, within not lefs than two calendar months after the time appointed for the payment thereof; and after perfonal notice given to him or her, or notice in writing left at his or her ufual or laft place of abode, then he, fhe, or they, fo neglecting or refufing, fhall forfeit a fum amounting to ten pounds *per centum* on his, her, or their refpective fhare or fhares in the capital ftock of the faid fociety.

IX. And be it further enacted by the authority aforefaid, That whenever any proprietor fhall have incurred the penalty aforefaid of ten pounds *per centum* on fuch fhare or fhares as he or fhe may be poffeffed of in the capital ftock of the faid fociety, for nonpayment in due time as aforefaid of his or her rateable proportion of money fo called for as aforefaid, and fuch forfeiture fhall have been declared at fome general meeting of the proprietors, it fhall and may be lawful at the fame, or at any fubfequent general meeting, for any ten or more of the proprietors then prefent, to order and direct a further notice to be given to fuch proprietor; and in cafe he or fhe fhall not within two months after fuch notice ferved perfonally, or left at his or her moft ufual or laft place of abode, pay or caufe to be paid all fuch fum or fums of money as fhall be then due and owing upon any call or calls as aforefaid, and for nonpayment of which fuch former forfeiture fhall have been incurred; and fhall not alfo pay or caufe to be paid an additional fum of ten pounds *per centum* on fuch fhare or fhares as fuch proprietor fhall have fubfcribed towards the capital ftock of the faid fociety, then fuch proprietor, in cafe the nonpayment of fuch fum or fums of money fhall have been declared at fome general meeting of the faid proprietors, fhall forfeit all his intereft, fhare and property in the capital ftock of the faid fociety, together with all fuch fums as fhall have been paid in, or fhall be then due and owing from any call or calls as aforefaid, which laft mentioned fum or fums due and owing from any call or calls as aforefaid, and the refpective penalties of ten pounds *per centum*, and ten pounds *per centum*, herein-before mentioned, fhall and may be recovered by action of debt in any of his Majefty's courts of record at

If penalties
are not paid,
and calls an-
fwered,

defaulters to
forfeit his
fhare, &c.

Westminter,

Westminster, or by fuit in the court of feflion in *Scotland*, refpectively: provided always, That it fhall and may be lawful for the faid proprietors, at any general meeting to be held after fuch forfeiture fhall have been incurred, to postpone, mitigate, or remit the fame.

On the death
of proprietors
before fhare
completed,
executors
may do it.

X. Provided always, and be it further enacted, That if the proprietor of any fhare in the faid undertaking fhall die before payment fhall have been made of the full fum to be advanced on each fhare which he or fhe fhall have been poffeffed of or entitled to, without having made provision, by will or otherwife, for the payment of the fame, then and in fuch cafe the executors and administrators of fuch proprietor, and the trustee or trustees, guardian or guardians, of any infant or other perfon entitled to the eftate or effects of fuch proprietor, fhall be indemnified againft fuch infant, and all other perfons whomfoever, for paying any fum or fums of money, when called for as aforefaid, to complete every fuch fubfcription; and if fuch deceafed proprietor fhall not have left effects fufficient, or in cafe any fuch executor or administrator, trustee or guardian, fhall refufe or neglect to answer fuch calls and payments, the faid fociety fhall be and are hereby impowered, authorized, and required to admit any other perfon or perfons to be proprietor or proprietors of the fhare or fhares of fuch deceafed proprietor, on condition that he, fhe, or they, fo admitted, do and fhall, on or before fuch admiffion, pay to the executors or administrators of fuch deceafed proprietor, or the trustee or trustees, guardian or guardians of any infant, or others entitled to his or her effects, the full money which fhall have been paid by fuch deceafed proprietor in his or her life time, by virtue of any call or calls, or otherwife, upon fuch fhare or fhares, or fo much money as the fame can be fold for.

Shares may be
difpofed of.

XI. And be it further enacted, That it fhall be lawful for any of the faid proprietors to fell or difpofe of any fhare or fhares he, fhe, or they fhall and may be intitled to therein, in manner and fubject to the rules and conditions herein mentioned; and for that purpofe duplicates of the deed of bargain and fale, or transfer of fuch fhare or fhares, fhall be executed by every vendor and vendee, and one part thereof, fo executed, fhall be delivered to the fecretary of the faid fociety, to be filed and kept for the ufe of the faid fociety, and an entry thereof fhall be made in a book or books to be kept by the faid fecretary for that purpofe; and the faid fecretary, or his deputy, is hereby required to make fuch entry accordingly; and until the duplicate of fuch deed or transfer fhall be fo delivered to the faid fecretary, or to his deputy, fuch purchafers or purchafers fhall have no part or fhare of the profits of the faid undertaking, nor any interest paid him, her, or them, for and in refpect of fuch fhare or fhares fo purchafed, nor be entitled to vote as a proprietor or proprietors of the faid joint flock: provided always, That after any call of fuch monies fhall be made by a general meeting, no perfon or perfons, bodies corporate or collegiate, fhall fell or transfer any

After a call
no fhare to be
fold till the
money paid.

share which he, she, or they, shall then have in the said joint stock, until the monies called for upon his, her, or their share or shares, so to be sold, shall be paid; and every person making default herein shall forfeit his, her, or their share or shares in the said joint stock to the said society, for the benefit of the rest of the said proprietors, (unless the person or persons who shall be vendor or vendors, shall, at the time of such sale or transfer, pay the money called for upon every share so sold or transferred, into the bank of England, bank of Scotland, or royal bank of Scotland), such forfeiture having been first notified and declared at a general meeting, in manner above directed.

XII. And be it further enacted, That every transfer of the said shares shall be in the form, or to the purport and effect following:

I A. B. in consideration of *paid to me*
by C. D. do hereby bargain, sell, and transfer to the said C. D. *Form of the transfer.*
his or her executors, administrators, and assigns,
share or shares, [as the case may be] in the joint stock of the society
for extending the fisheries, and improving the sea coasts of this king-
dom, subject to the same rules and orders, and on the same conditions,
that I held the same immediately before the execution hereof: and I
the said C. D. do hereby agree to accept of the said
share [or shares] subject to the same rules, orders, and conditions:
Witness our hands, the day of
in the year of our Lord

XIII. And, for the better ordering, managing, and governing the affairs of the said society, and for establishing a continual succession of persons to be directors of the same; be it enacted by the authority aforesaid, That there shall be (of the members of the said society holding one full share in the joint stock of the same respectively) a governor, deputy governor, and fifteen directors, of whom the said governor and deputy governor shall always be two, of and in the said society, which directors, or any seven or more of them, shall be, and be called, *A Court of Directors for the ordering, managing, and directing the affairs of the said society.*

Governor, deputy governor, and directors.

XIV. And be it also enacted by the authority aforesaid, That the members of the said society shall, on or before the How to be
tenth day of August, one thousand seven hundred and eighty-six, chosen.
proceed to the election of a governor, deputy governor, and thirteen members of the said society, as aforesaid, to be their directors as aforesaid, in manner following; that is to say, That each and every member of the said society shall, on or before the said tenth day of August, deliver in, or transmit to the secretary of the said society a list in writing, subscribed with his or her name, and subjoining the number of shares which he or she holds in the joint stock of the said society, containing the names of such members as he or she votes for to be governor, and deputy governor, respectively; and also of thirteen other mem-
bers

bers qualified as aforefaid, whom he or ſhe ſhall vote for to be directors of the ſaid ſociety; and that all and every ſuch liſt which ſhall contain a greater or leſs number than fifteen names as aforefaid, ſhall be rejected and of no effect; and that the thirteen members whoſe names ſhall be inſerted in the greater number of ſuch liſts as aforefaid, ſhall be the directors of the ſaid ſociety; and that ſuch perſons whoſe names ſhall be contained in the greater number of ſuch liſts for filling the offices of governor and deputy governor, ſhall be governor and deputy governor of the ſaid ſociety: provided, that if it ſhall ſo happen that any two or more perſons named in ſuch liſts as aforefaid ſhall have an equal number of votes, the names of ſuch two or more perſons ſhall be placed in a box, and drawn out by the ſecretary of the ſaid ſociety; and the perſon whoſe name ſhall be drawn out ſhall be a governor, deputy governor, or director of the ſaid ſociety, as the caſe may happen; and the ſecretary ſhall in like manner draw out ſucceſſively a ſufficient number of names to complete the number of thirteen directors, who ſhall be directors accordingly.

To continue
to March 25,
1787.

XV. And be it further enacted by the authority aforefaid, That the governor, deputy governor, and directors, ſo firſt choſen as aforefaid, ſhall ſerve and continue in their reſpective offices until the twenty-fifth day of *March*, one thouſand ſeven hundred and eighty-ſeven; and that a new election of a governor, deputy-governor, and thirteen directors, ſhall be then made in manner aforefaid; and on the twenty-fifth day of *March* in each and every ſucceeding year, a like election ſhall be made, unleſs the ſame ſhall happen on a *Sunday*, and then on the *Monday* following; and that ſuch governor, deputy governor, and directors, ſhall ſerve and continue in their reſpective offices for one whole year next enſuing their reſpective elections.

Their powers.

XVI. And be it enacted by the authority aforefaid, That the ſaid governor, deputy governor, and directors, or the major part of them, ſhall and may, from time to time, aſſemble, and meet together at any convenient place or places within the cities of *London* or *Weſtmiſter*, and then and there hold courts of directors, and ſhall at ſuch courts have power and authority to order and direct all the affairs and buſineſs of the ſaid ſociety, ſubject to the bye-laws and directions of all general meetings of the ſaid ſociety, and ſhall have power to name committees of themſelves, and to appoint all ſubordinate officers.

Governor, &c.
to be ſworn.

XVII. And be it further enacted by the authority aforefaid, That every governor, deputy governor, and director of the ſaid ſociety, ſo to be elected as aforefaid, before they be admitted to the execution of their reſpective offices or places of governor, deputy governor, or director, ſhall take the following oath before any two or more of the ſaid proprietors, who are hereby impowered to adminiſter the ſame:

The oath.

I A. B. do ſwear, That I will diſcharge the traſt and duties of governor (deputy governor, or director, as the caſe may be)

of the British society for extending the fisheries and improving the sea
coasts of this kingdom, truly and faithfully, to the best of my judge-
ment and understanding.

So help me GOD.

XVIII. And be it enacted by the authority aforesaid, That ^{Auditors} out of the said proprietors holding one full share respectively, ^{chosen.} there shall be chosen and appointed in like manner, and at the like times, five persons, (not being governor or deputy governor, or director or other officer) to examine and audit the accounts of the said society once in every year, and to prepare and lay before the general meeting, the accounts of the said society in a clear, accurate, and distinct manner, one copy of which shall be reserved in the office for the inspection of any proprietor who shall desire to see the same.

XIX. And be it enacted by the authority aforesaid, That ^{General} there shall be holden one general meeting of the said proprietors ^{meetings how} on the twenty-fifth day of *March* in each and every year; and ^{to be called.} if the same shall happen on a *Sunday*, then on the *Monday* following at noon, in the cities of *London* or *Westminster*, and that if at any time it shall appear to any nine or more proprietors, that for the more effectually putting this act in execution, an occasional general meeting of proprietors shall be necessary to be held, the governor, deputy governor, or any three or more of the said directors, on request made in writing by such nine proprietors to the said governor, deputy governor, or directors, shall cause notice to be given thereof in the *London Gazette*, and in such other manner as the said proprietors, their successors or assigns, shall at any general meeting direct or appoint, declaring in such notice the place where, and the time when, such meeting is to be held, the same to be held within one calendar month from and after such notice given, and likewise specifying in every such notice the reason for and intention of such meetings respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this act given them; and every act of the proprietors, or the major part of them, at such meetings assembled, shall be as valid to all intents and purposes as if the same had been done at an annual general meeting held in manner herein before directed. Provided always, That at all general and ordinary meetings the governor, or in case of his absence the deputy governor, or in case of the absence of both, a chairman, who shall be then and there chosen, shall, in case of an equality of voices, have a casting vote; and that all general meetings, ordinary or extraordinary, assembled as before directed, shall have the power of adjourning themselves to such time as they shall deem necessary.

XX. And it is hereby enacted by the authority aforesaid, That in case the governor, deputy governor, or any of ^{Directors, dy-} the directors for the time being shall happen to die, or resign ^{ing, others} his office before the expiration of the said year for which he or ^{to be chosen,} they

they shall be so elected, that then and from thenceforth it shall, and may be lawful to and for the said governor or deputy governor, or any three of the said directors, if they see fit, to summon and call together a general meeting of the proprietors aforesaid, and then and there to chuse into the place or places of him or them so dying or resigning, one or more other fit person or persons, as the case may happen, to fill up such vacancy or vacancies, and the person or persons so chosen shall continue in their respective offices or places during the remainder of such year, or until the next election of governor, deputy governor, and directors as aforesaid.

Bye laws how made and altered.

XXI. And be it further enacted by the authority aforesaid, That the said proprietors, their successors and assigns for the time being, shall have power and authority at a general meeting to be called for that special purpose, or by adjournment of the annual general meeting, in case fifteen or more proprietors present at such general meeting, by themselves or proxy, be possessed of one hundred shares at least, but not otherwise, to make such rules, bye-laws, and constitutions; for the government of the said society, and for the good and orderly carrying on the business of the said society; and also for the well governing of the officers, servants, workmen, and others, who shall be employed in and about the business, and carrying on of the said society, or any part thereof, as to them shall seem meet; which said rules, bye-laws, and orders, being reduced into writing, under the common seal of the said society, shall be binding upon, and observed by all parties, and shall be sufficient, in any court of law or equity, to justify all persons who shall act under the same, provided the same are not repugnant to the laws of the realm: provided always, That the said rules, bye-laws, and constitutions, shall not be binding, unless they be confirmed by the next general meeting after they are voted, and shall not be subject to any alteration in the same year wherein they have been made.

No transfer of stock for three years.

XXII. And be it further enacted by the authority aforesaid, That no transfer, other than by gift or bequest, shall be made of any of the said stock, or share of or in the said joint stock, for the space of three years from the tenth of *August*, one thousand seven hundred and eighty-six, but that the same shall be absolutely void to all intents and purposes whatsoever.

Money to be placed in the bank of Scotland, or royal bank of Scotland.

XXIII. And be it enacted by the authority aforesaid, That the cash of the said society shall be lodged either in the bank of *England*, bank of *Scotland*, or royal bank of *Scotland*; and that no governor, deputy governor, or director, nor any proprietor of any share or shares of the society's joint stock, nor any agent, secretary, clerk, servant, or person employed by the said society, shall in any case retain any sum or sums of money, which shall have been placed in his, her, or their hands for the use of the said society, beyond the space of thirty days next after the receipt of the same, on any account whatsoever, but that every such person or persons shall, within the time aforesaid, pay or cause

to be paid all and every ſuch ſum or ſums of money into one of the banks aforeſaid; and that payments of all ſuch ſums as ſhall be iſſued by the ſaid ſociety, ſhall be made by drafts under the hands of the governor, or deputy governor, counterſigned by the ſecretary or his deputy, and two or more directors, on the ſaid banks, to ſuch perſon or perſons, or to their order, as ſhall have performed any work for, or otherwiſe have any demand upon, the ſaid ſociety.

XXIV. And whereas it may happen that ſome perſon or perſons, bodies politick, corporate or collegiate, or truſtees, or others, who are ſeiſed of or intitled to lands and tenements, which may be neceſſary to be purchaſed for the purpoſes of this act, may be willing to treat and agree to ſell ſuch lands and tenements, in order to perfect ſo uſeful and neceſſary an undertaking, but are incapable of granting and conveying the ſame by reaſon of infancy, or other diſability by tailzies, or otherwiſe; be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful to and for all bodies politick, corporate or collegiate, truſtees, tutors or curators for infants or minors, idiots or furious perſons, or other perſons for whom they are truſtees, and for all and every other perſon or perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any lands and tenements which the ſaid ſociety ſhall judge neceſſary for the purpoſes aforeſaid, whether by titles held in fee ſimple, or tailzied, to ſell and convey to the ſaid ſociety, or their ſucceſſors, or to ſuch other perſon or perſons as they ſhall appoint, all or any ſuch lands and tenements, or any part thereof, for the purpoſes aforeſaid; and that all contracts, agreements, ſales, or other conveyances that ſhall be ſo made, ſhall be valid to all intents and purpoſes, any law, ſtatute, uſage, or any other matter or thing whatſoever to the contrary thereof notwithstanding; and that all truſtees, tutors, or curators, corporations, proprietors, or incumbrancers, ſubject to tailzies, and all other perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of, or in purſuance of this act: provided, that where lands and tenements under entail are purchaſed for the purpoſes aforeſaid, the price of the premises ſhall, by authority of the court of ſeſſion, be laid out upon land, or other heritable ſecurity, and the rights and ſecurities deviſed and taken to the ſame ſeries of heirs as are contained in the original title deeds of the ſubjects under entail, purchaſed for the uſes aforeſaid.

Purchaſe money to be laid out to ſame uſes.

XXV. And be it further enacted by the authority aforeſaid, That the book or books in which the accounts relating to the ſaid ſociety ſhall be ſtated and ſettled, and all other matters and things relating thereunto, ſhall be depoſited under the care and cuſtody of ſuch perſon or perſons as the ſaid directors ſhall from time to time appoint at the office of the ſaid ſociety; and every proprietor, at all reaſonable times, ſhall have free acceſs to ſuch book or books, for his, her, or their inſpection.

Books to be kept, and open to the inſpection of the proprietors.

XXVI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall forge or counterfeit the ſeal

Counterſeiting the ſeal.

of the society, or any deed or writing under the common seal, or shall demand any money in pursuance of any such forged or counterfeited deed or writing, either from the society or any members or servants thereof, knowing such writing to be forged, with intent to defraud the said society, or any other persons whomsoever, every person so offending, and being convicted thereof, in due form of law, shall be judged guilty of felony, and shall be transported in manner as by law directed, for a term not exceeding seven years.

Limitation of actions.

XXVII. And be it further enacted, That if any action, suit, or information shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the same shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action, suit, or information, shall and may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time so limited for bringing in the same, then, and in such case, the jury shall find for the defendant or defendants, or the court of session in *Scotland* shall dismiss the said suit; if the plaintiff or plaintiffs, pursuer or pursuers, shall become nonsuit, or suffer a discontinuance of his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if a verdict or judgement of the court of session in *Scotland* shall pass against the plaintiff or plaintiffs, pursuer or pursuers, or if, upon demurring or otherwise, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants, shall have treble costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in any other cases by law.

General issue.

Treble costs.

Publick act.

XXVIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons are hereby required to take notice of it as such, without specially pleading the same.

C A P. CVII.

An act for amending, and reducing into one act of parliament, the laws relating to the militia, in that part of Great Britain called England.

Preamble.

WHEREAS a respectable military force, under the command of officers possessing landed property within Great Britain, is essential to the constitution of this realm; and the militia now by law established has been found capable of fulfilling the purposes of its institution; and through its constant readiness on short notice, for effectual

ual service, has been of the utmost importance to the internal defence of this kingdom of Great Britain: and whereas the laws now in being relating to the militia are inconveniently numerous; and the several powers and provisions necessary for raising, training, and regulating the militia, would be more easily executed, if the same were comprised in one act of parliament: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty may and shall, from time to time, constitute and appoint lieutenants for the counties, ridings, and places herein-after mentioned; and the several lieutenants so appointed, shall have full power and authority, and are hereby required to call together, arm, array, and cause to be trained and exercised, such persons, and in such manner as is herein-after directed, once in every year; and the said lieutenants severally shall, from time to time, constitute and appoint such persons as they shall think fit, being qualified as herein-after is directed, and living within their respective counties, ridings, and places, to be their deputy lieutenants, (the names of such persons having been first presented to and approved by his Majesty), and shall also appoint a proper number of colonels, lieutenant colonels, majors, and other officers, qualified as herein-after directed, to train, discipline, and command the persons so to be armed and arrayed, according to the rules, orders, and directions herein-after mentioned, and shall certify to his Majesty the names and ranks of all such officers so appointed; and in case his Majesty shall, within fourteen days after such certificate shall have been laid before him, signify his disapprobation of any of the persons so appointed, it shall not be lawful for the said lieutenants to grant a commission to any person so disapproved, but commissions shall be granted to all such persons so appointed, who shall not be disapproved by his Majesty; and the officers so appointed for the militia, to be armed and arrayed as herein-after directed, shall rank with the officers of such of his Majesty's forces as are liable to serve out of Great Britain, as youngest of their rank.

The lieutenants of counties, appointed by his Majesty, to call out the militia yearly, and appoint deputies, officers, etc.

Rank of officers.

II. And be it further enacted, That when the lieutenant of any county, riding, or place, shall be out of the kingdom of Great Britain, or when there shall be no lieutenant, it shall be lawful for his Majesty to authorize any three deputy lieutenants of such county, riding, or place, to grant commissions to officers to serve in the militia for such county, riding, or place, upon any vacancy that shall then happen, in such manner as such lieutenant could do, and to do all other acts, matters, and things, which might lawfully have been done by the said lieutenant, and the same shall be good and valid in the law as if done by the said lieutenant himself.

Three deputy lieutenants may act, when the lieutenant is out of the kingdom.

III. And be it further enacted, That no commission of any deputy lieutenant, nor any commission of any officer in the militia, already granted, or to be granted by any lieutenant or

Commissions not to be revoked by the death of the deputy grantor.

deputy lieutenants, fhall be vacated by reafon of the revocation, expiration, or difcontinuance of the commiffion by which any fuch lieutenant or deputy lieutenants as aforefaid was or were appointed.

County lieu-
tenant to
have the chief
command of
the militia of
his county,
and to appoint
so dep

IV. And be it further enacted, That the lieutenant of every county, riding, or place, fhall have the chief command of the militia within the county, riding, or place to which he is appointed, and that twenty deputy lieutenants at the leaft fhall be appointed within every county, riding, and place, if fo many can be found qualified as herein-after directed; but if fuch number of perfons, fo qualified, cannot be found within any fuch county, riding, or place, then as many perfons, fo qualified, as can be found within fuch county, riding, or place, fhall be appointed to be deputy lieutenants for the purpofes of this aft.

Qualification
of deputy
lieutenants
and officers in
England in
general.

V. And be it further enacted, That all perfons to be appointed deputy lieutenants, or officers of the militia, in purfuance of this aft (except within the counties of *Cumberland, Huntingdon, Alenmouth, and Wefmorland, the Ifle of Ely* in the county of *Cambridge*, the feveral counties and places within the dominion of *Wales*, and fuch cities and towns as are counties within themfelves) fhall be qualified as follows; (that is to fay) every perfon fo to be appointed a deputy lieutenant fhall be feifed or poffeffed, either in law or equity, for his own ufe and benefit, in poffeffion, of a freehold, copyhold, or customary eftate for life, or for the life of his wife, ſhe having a freehold, copyhold, or customary eftate for her life, or for fome greater eftate, or of an eftate for fome long term of years, determinable on one or more life or lives, in manors, meffuages, lands, tenements, or hereditaments, in *England, Wales*, or the town of *Berwick upon Tweed*, of the yearly value of two hundred pounds, or fhall be heir-apparent of fome perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid of the yearly value of four hundred pounds: and every perfon fo to be appointed a colonel fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one thoufand pounds, or fhall be heir apparent of fome perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of two thoufand pounds: and every perfon fo to be appointed a lieutenant colonel fhall in like manner be feifed of a like eftate as aforefaid, of the yearly value of fix hundred pounds, or fhall be heir apparent of fome perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one thoufand two hundred pounds: and every perfon fo to be appointed a major, or a captain, fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of two hundred pounds, or fhall be heir-apparent of fome perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of four hundred pounds, or fhall be a younger fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed

fed of a like eftate as aforefaid, of the yearly value of fix hundred pounds: and every perfon fo to be appointed lieutenant fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fifty pounds, or fhall be poffeffed of a perfonal eftate alone, to the amount of one thoufand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of two thoufand pounds, or fhall be fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one hundred pounds, or who fhall be, or who at the time of his death was, poffeffed of a perfonal eftate alone, to the amount of two thoufand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of three thoufand pounds: and that every perfon fo to be appointed an enſign fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of twenty pounds, or fhall be poffeffed of a perfonal eftate alone, to the amount of five hundred pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of one thoufand pounds, or fhall be fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fifty pounds, or who fhall be, or who at the time of his death was, poffeffed of a perfonal eftate alone, to the amount of one thoufand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of one thoufand five hundred pounds, of which laid eftates required as qualifications for deputy lieutenants, colonels, lieutenant colonels, majors, and captains refpectively, one moiety fhall be fituate or arifing within the refpective counties, ridings, or divifions, in which they fhall be appointed to ferve.

VI. And be it further enacted, That the eftates requifite for the qualification of the deputy lieutenants and officers of the militia within the counties of *Cumberland, Huntingdon, Monmouth, Wiltſhire, and Rutland*. and within every county and place in the dominion of *Wales*, fhall be as follows; (that is to wit,) A deputy lieutenant fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one hundred and fifty pounds, or fhall be heir apparent to a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of three hundred pounds: a colonel fhall be in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fix hundred pounds, or fhall be heir apparent of a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one thoufand two hundred pounds: a lieutenant colonel, or major commandant, fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of four hundred pounds, or fhall be heir-apparent of a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of eight hundred pounds: a major, or captain, fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the

Qualification
of deputy
lieutenants
and officers in
Cumberland,
&c.

yearly value of one hundred and fifty pounds, or ſhall be ſon of a perſon who ſhall be, or at the time of his death was, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of three hundred pounds: a lieutenant ſhall in like manner be ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of thirty pounds, or ſhall be poſſeſſed of a perſonal eſtate alone, to the amount of ſix hundred pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of one thouſand two hundred pounds, or ſhall be the ſon of a perſon who ſhall be, or, at the time of his death was, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of ſixty pounds, or who ſhall be, or at the time of his death was, poſſeſſed of a perſonal eſtate alone, to the amount of one thouſand two hundred pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of two thouſand four hundred pounds: an enſign ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of twenty pounds, or ſhall be poſſeſſed of a perſonal eſtate alone, to the amount of three hundred pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together to the amount or value of ſix hundred pounds, or ſhall be the ſon of a perſon who ſhall be, or at the time of his death was, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of thirty pounds, or who ſhall be, or at the time of his death was, poſſeſſed of a perſonal eſtate alone, to the amount of ſix hundred pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of one thouſand two hundred pounds: or all which reſpective eſtates (except thoſe for the qualifications of lieutenants and enſigns), one moiety ſhall be ſituate or ariſing within the reſpective counties or diviſions in which ſuch officers ſhall be reſpectively appointed to ſerve.

Qualification
of deputy
lieutenants
and officers
for Ely

VII. And be it further enacted, That the eſtates requiſite for the qualification of the deputy lieutenants and officers of the militia in the *Iſle of Ely*, ſhall be as follows: a deputy lieutenant ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of one hundred and fifty pounds, or ſhall be heir-apparent of ſome perſon who ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of three hundred pounds: a captain ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid of the yearly value of one hundred pounds, or ſhall be heir-apparent of a perſon who ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of two hundred pounds, or ſhall be a younger ſon of ſome perſon who ſhall be, or at the time of his death was, in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of three hundred pounds: a lieutenant ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of thirty pounds, or ſhall be poſſeſſed of a perſonal eſtate to the amount of ſix hundred pounds, or ſhall be ſon of ſome perſon who ſhall be, or at the time

time of his death was, in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of ſixty pounds, or who ſhall be, or at the time of his death was, poſſeſſed of a perſonal eſtate to the amount of one thouſand two hundred pounds: an enſign ſhall be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of twenty pounds, or ſhall be poſſeſſed of a perſonal eſtate to the amount of three hundred pounds, or ſhall be the ſon of ſome perſon who ſhall be, or at the time of his death was, in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of thirty pounds, or who ſhall be, or at the time of his death was, poſſeſſed of a perſonal eſtate to the amount of ſix hundred pounds: of all which eſtates (except thoſe for the qualifications of lieutenants and enſigns) one moiety ſhall be ſituate or ariſing within the ſaid *ſhe of Eſſex*, or ſome other part of the county of *Cambridge*.

VIII. And be it further enacted, That in all cities and towns which are counties within themſelves, and have heretofore been impowered by law or ancient uſage to raiſe and train a ſeparate militia within their ſeveral precincts and liberties, and which are united with, and made part of any county or counties, for the purpoſes of raiſing the militia only, the lieutenant of every ſuch city or town, or, where there is no lieutenant appointed, then the chief magiſtrate of ſuch city or town ſhall appoint the deputy lieutenants within ſuch city or town, and ſhall alſo appoint officers of the militia, whole number and rank ſhall be proportionable to the number of militia men which ſuch city or town ſhall raiſe as their quota towards the militia of the county to which ſuch city or town is united for the purpoſes aforeſaid; and all powers and proviſions made by this act, with reſpect to counties at large, and the militia thereof, and the regiſtering hereinafter directed of the qualifications of deputy lieutenants and officers, ſhall take place and be in force, with reſpect to the ſaid cities and towns, and the militia thereof, and the regiſtering of the ſaid qualifications; and the value of the reſpective qualifications of the deputy lieutenants and officers of the militia of ſuch cities and towns ſhall be as follows; every deputy lieutenant ſhall in like manner be ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of one hundred and fifty pounds, or ſhall be poſſeſſed of a perſonal eſtate alone, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of three thouſand pounds: and every field officer ſhall reſpectively be in like manner ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of three hundred pounds, or ſhall be poſſeſſed of a perſonal eſtate alone, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of five thouſand pounds: and the qualification of a captain ſhall be a like eſtate as aforeſaid, of the yearly value of one hundred and fifty pounds, in manors, meſſuages, lands, tenements, or hereditaments, or perſonal eſtate alone, or real and perſonal eſtate together, to the amount or value of two thouſand five hundred pounds: and the qualification of a lieutenant ſhall be a like

Regulations
with regard to
cities, &c. that
are counties
within them-
ſelves.

estate as aforefaid, of the yearly value of thirty pounds, in manors, meffuages, lands, tenements, or hereditaments, or perfonal estate alone, to the amount or value of feven hundred and fifty pounds: and the qualification of an enſign ſhall be a like estate as aforefaid, of the yearly value of twenty pounds, in manors, meffuages, lands, tenements, or hereditaments, or perfonal estate alone, to the amount or value of four hundred pounds: of all which real eftates reſpectively (except thoſe for the qualification of lieutenants and enſigns) one moiety ſhall be ſituate or ariſing within ſuch city or town, or within the county to which ſuch city or town is united for the purpoſes aforeſaid.

Leaſes on lives of 100l. per ann. to be deemed equal to a qualification as herein before ſpecified of 100l. per ann. and ſo proportionally.

IX. Provided always, and be it further enacted, That the immediate reversion or remainder of and in manors, meffuages, lands, tenements, or hereditaments, which are leaſed for one life, or for two or three lives, or for any term of years determinable upon the death of one life, or of two or three lives on reſerved reats, and which are to the leſſee or leſſee of the clear yearly value of three hundred pounds, ſhall be deemed equal to an estate herein before required as a qualification of the yearly value of one hundred pounds, and ſo in proportion to the ſeveral other qualifications required by this act.

Eſtates granted for 20 years, of an annual value equal to the value of the eſtates herein required for qualifications, to be deemed qualifications.

X. And be it further enacted, That a perſon poſſeſſing, either in law or equity, for his own uſe and benefit, in poſſeſſion, of an eſtate for a certain term originally granted for twenty years or more, of an annual value (over and above all rents and charges payable out of or in reſpect of the ſame) equal to the value of ſuch an eſtate as is required for the qualification of a deputy lieutenant and commiſſioned officer of the militia reſpectively, and ſituate as aforeſaid, ſhall be, and is hereby deemed and declared to be, ſufficiently qualified to act in the execution of this act.

No commiſſion ſuperior to a lieutenant to be granted till the qualification is delivered in.

XI. And be it further enacted, That no perſon ſhall hereafter be appointed to be deputy lieutenant of any county, riding, or place, or be appointed to a higher rank in the militia than that of lieutenant, until he ſhall have delivered in to the clerk of the peace of the county, riding, or place, for which he ſhall be appointed, or (in the abſence of the clerk of the peace) to his deputy, a ſpecifick deſcription in writings ſigned by himſelf, of his qualification, ſtating the pariſh or pariſhes in which the eſtate or eſtates which form his qualification is or are ſituate; and the clerk of the peace, or his deputy, ſhall tranſmit to the lieutenant of the county, riding, or place, a copy of ſuch deſcription; and no commiſſion granted after the paſſing of this act, for a higher rank in the militia than that of lieutenant, ſhall be valid, unleſs it be declared in the commiſſion, that the officer to whom the commiſſion is given, hath delivered in his qualification as above directed.

Commiffion already granted to be void where qualifications are

XII. And be it further enacted, That every deputy lieutenant and every officer now holding a commiſſion as colonel, lieutenant colonel, major, or captain in the militia, who hath not tranſmitted

transmitted a specifick description as before directed, of his qualification for holding such commission, to the clerk of the peace as aforelaid, shall, within six months from and after the first day of *July*, one thousand seven hundred and eighty-six, transmit such specifick description of his qualification for holding such commission to the clerk of the peace as aforelaid, and the clerk of the peace, or his deputy, shall forthwith transmit a true copy thereof to the lieutenant of the county, riding, or place, or to the deputy lieutenants, who shall be authorised according to the directions of this act to execute the office of lieutenant; and in case any such officer shall not transmit such specifick description of his qualification as aforelaid to the clerk of the peace, or his deputy, within the time before limited for that purpose, his deputation or commission shall be void, and he shall be incapable of being a deputy lieutenant, or of serving as an officer in the militia again in the same or any higher rank.

delivered in
before Jan. 1,
1787.

XIII. And be it further enacted, That the clerk of the peace of every county, riding, and place, shall, and he is hereby required to enter the qualifications transmitted to him according to the directions of this act upon a roll, to be provided and kept for that purpose, and to cause to be inserted in the *London Gazette* the dates of the commissions, and names and rank of the officers, together with the names of the officers in whose room they are appointed, in like manner as commissions in the army are published from the war office, and he is hereby authorised to charge the expence of such insertion in the *Gazette* for each commission, to the treasurer of the county, riding, or place, who is hereby directed to pay the same; and the said clerk of the peace, or his deputy, shall, in the month of *January* in every year, transmit to one of his Majesty's principal secretaries of state a correct account of the qualifications so left with him, and the secretary of state receiving such accounts shall cause copies thereof to be annually laid before both houses of parliament; and every deputy lieutenant and commissioned officer not having already taken and subscribed the oaths, and made, repeated, and subscribed the declaration as required by this act, shall, at some general quarter session of the peace, or in one of his Majesty's courts of record at *Westminster*, within six months after he shall have accepted his commission, take the oaths appointed to be taken by an act passed in the first year of the reign of his majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and for the succession of the crown in the heirs of the late prince's Sophia, being protestants, and for extinguishing the hopes of the pretender's power in Wales, and his open and secret abettors*; and also by an act passed in the sixth year of the reign of his present Majesty, intituled, *An act for altering the oath of abjurati^{on}, and the assurance, and for annexing so much of an act of the seventh year of her late majesty Queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high*

Qualifications
to be entered
in the Gazette;
and to be an-
nounced by
the secretary
of state to be
the parliament.

Deputy lieutenants, &c.
to take the
oaths within
six months
after ap-
pointment.

treason, or misprision of treason; and shall also make, repeat, and subscribe the declaration in the said act of the first year of King George the First directed to be made, repeated, and subscribed, by all officers civil and military.

Penalty on persons acting, who are unqualified, or who have not delivered in their qualifications.

XIV. And be it further enacted, That if any person shall execute any of the powers hereby directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is herein-before required, every such person shall forfeit and pay the sum of two hundred pounds; and if any person shall execute any of the powers hereby directed to be executed by captains, not being qualified as aforesaid, or without having delivered in such specific description of his qualification as is herein-before required, every such person shall forfeit and pay the sum of one hundred pounds; one moiety whereof shall go to the use of the person who shall sue for the same; and in every action, suit, or information, brought against any person for acting as deputy lieutenant, colonel, lieutenant colonel, major, or captain, not being qualified as herein-before directed, the proof of his qualification shall lie upon the person against whom the same is brought: provided always, That nothing in this act contained shall restrain or prevent any peer of this realm, or heir-apparent of any such peer, from being appointed, or acting as a deputy lieutenant, or a commissioned officer in the militia, within the county, riding, or place wherein such peer, or heir-apparent of such peer, shall have some place of residence, although he may not have the qualification herein-before required; or to oblige any peer of this realm, or heir-apparent of such peer, who shall be appointed a deputy lieutenant or commissioned officer as aforesaid, to leave with the clerk of the peace for the county, riding, or place for which he shall be appointed, any qualification in writing as aforesaid.

Peers or their heirs apparent may act, though not possessed of qualification, &c.

A proportion of officers who have served five years may, when the militia is not embodied, be detached, and others appointed.

XV. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the absence of any such lieutenant, any five or more deputy lieutenants, may, at the end of every five years, at their annual meetings to be holden as herein-after is directed, in case the militia of such county, riding, or place, shall not be then embodied, discharge some one field officer of each regiment or battalion, and such a number of officers of each inferior rank, in each regiment, battalion, and independent company, as shall be equal to the number of persons who shall have given notice in writing to the lieutenant of such county, riding, or place, one month at the least before such meeting, that they are willing to serve as field officers, captains, lieutenants, or ensigns, as the case may require: provided always, That the number of vacancies to be made by discharging such officers shall not exceed one third of such officers who shall have served for the space of five years in each rank respectively: provided also, That nothing herein contained

Inferior officers when

tained shall prevent any officer serving, or who has served in the militia in an inferior rank, from offering himself to serve in a higher rank, if he be qualified to serve in such higher rank.

qualified, may serve in higher ranks.

XVI. And be it further enacted, That the lieutenant of every county, riding, and place, shall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may displace such clerk if he shall think fit, and appoint another in his room; and the deputy lieutenants within their respective subdivisions, or the major part of those present at any subdivision meeting, shall also, from time to time, appoint a clerk for their subdivisions, and may displace such clerk if they, or the major part of them, shall think fit, and appoint another in his room.

County lieutenants, and deputies, may appoint clerks for their meetings.

XVII. And be it further enacted, That the number of private men to be raised by virtue of this act shall be as follows; (that is to say,)

Numbers of the regiments of militia respectively.

For the county of *P. H. rd.* four hundred.

For the county of *Essex*, five hundred and sixty.

For the county of *Herts*, five hundred and sixty.

For the county of *Cambridge*, four hundred and eighty.

For the county of *Chesh.* with the city and county of the city of *Chesh.* five hundred and sixty.

For the county of *Cornwall*, six hundred and forty.

For the county of *Cumberland*, three hundred and twenty.

For the county of *Derby*, five hundred and sixty.

For the county of *Devon*, with the city and county of the city of *Exeter*, one thousand six hundred.

For the county of *Devon*, with the town and county of the town of *P. L.* six hundred and forty.

For the county of *Durham*, four hundred.

For the county of *Essex*, nine hundred and sixty.

For the county of *Gloucester*, with the city and county of the city of *Gloucester*, and the city and county of the city of *Bristol*, nine hundred and sixty.

For the county of *Hertford*, four hundred and eighty.

For the county of *Hertford*, five hundred and sixty.

For the county of *Huntingdon*, three hundred and twenty.

For the county of *Kent*, with the city and county of the city of *Canterbury*, nine hundred and sixty.

For the county of *Lancaster*, eight hundred.

For the county of *Leicester*, five hundred and sixty.

For the county of *Lincoln*, with the city and county of the city of *Lincoln*, one thousand two hundred.

For the county of *Middlesex*, (exclusive of the tower division, commonly called *The Tower Hamlets*), one thousand six hundred.

For the county of *Monmouth*, two hundred and forty.

For the county of *Norfolk*, with the city and county of the city of *Norwich*, nine hundred and sixty.

For the county of *Northampton*, six hundred and forty.

For

- For the county of *Northumberland*, with the town and county of the town of *Newcastle upon Tyne*, and the town of *Berwick upon Tweed*, five hundred and sixty.
- For the county of *Nottingham*, with the town and county of the town of *Nottingham*, four hundred and eighty.
- For the county of *Oxford*, five hundred and sixty.
- For the county of *Rutland*, one hundred and twenty.
- For the county of *Salop*, six hundred and forty.
- For the county of *Somerset*, eight hundred and forty.
- For the county of *Southampton*, with the town and county of the town of *Southampton*, nine hundred and sixty.
- For the county of *Stafford*, with the city and county of the city of *Litchfield*, five hundred and sixty.
- For the county of *Suffolk*, nine hundred and sixty.
- For the county of *Surrey*, eight hundred.
- For the county of *Suffex*, eight hundred.
- For the county of *Warwick*, with the city and county of the city of *Coventry*, six hundred and forty.
- For the county of *Westmorland*, two hundred and forty.
- For the county of *Wiltshire*, with the city and county of the city of *Wiltshire*, five hundred and sixty.
- For the county of *Wits*, eight hundred.
- For the west riding of the county of *York*, with the city and county of the city of *York*, one thousand two hundred and forty:
- For the north riding of the said county, seven hundred and twenty:
- And for the east riding of the said county, with the town and county of the town of *Kington upon Hall*, four hundred.
- For the county of *Angles*, eighty.
- For the county of *Brecknock*, one hundred and sixty.
- For the county of *Cardigan*, one hundred and twenty.
- For the county of *Carmarthen*, with the county borough of *Carmarthen*, two hundred.
- For the county of *Carnarvon*, eighty.
- For the county of *Denbigh*, two hundred and eighty.
- For the county of *Flint*, one hundred and twenty.
- For the county of *Glamorgan*, three hundred and sixty.
- For the county of *Merioneth*, eighty.
- For the county of *Montgomery*, two hundred and forty.
- For the county of *Pembroke*, with the town and county of the town of *Haverford West*, one hundred and sixty.
- And for the county of *Radnor*, one hundred and twenty.

Regulations
for holding
general meet-
ings of lieuten-
ancy.

XVIII. And be it further enacted, That general meetings of the lieutenancy of every county, riding, and place, shall be holden in some principal town of every such county, riding, and place; and such general meetings shall consist of the lieutenant, together with two deputy lieutenants at the least, or, on the death or removal, or in the absence of the lieutenant, then of three deputy lieutenants at the least of every county, riding, and

and place respectively; and one such general meeting shall be holden within every county, riding, and place, annually, upon the last *Tuesday* which shall happen before the twenty-fourth day of *October* in every year; and the lieutenant, together with any two deputy lieutenants, or (on the death or removal, or in the absence of the lieutenant) any three deputy lieutenants of any county, riding, or place, when and as often as they shall find necessary for carrying the purposes of this Act, and by his or their exception, may summon, or cause to be summoned, other general meetings of the lieutenant, on any day or days named by such summon, or which days, and the places of such general meetings respectively, notice shall be given in the *London Gazette*, and also in any weekly newspaper within the said county, riding, or place, fourteen days at the least before holding such meetings respectively; and

in case any annual or other general meeting shall not be attended by the lieutenant and two deputy lieutenants, or by three deputy lieutenants, as herein-before required, the lieutenant, or any one deputy lieutenant, who shall attend at such meeting, shall and may adjourn the same to any other time, and to any place within such county, riding, or place; and if only one deputy lieutenant shall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, shall adjourn such meeting to any other time, to be holden at the same place.

XIX. And be it further enacted, That meetings of the deputy lieutenants within the subdivisions of their respective counties, ridings, and places, shall be holden as often after one month; which subdivision meetings shall consist of two deputy lieutenants at the least, provided always, that if any two lieutenants are not appointed according to the direction of this Act, where two deputy lieutenants do not attend, it shall be lawful for any one deputy lieutenant, together with any one justice of the peace of the county, riding, or place, within which such subdivision lies, to do all acts, matters, and things, which are by this Act directed to be done by deputy lieutenants, at their respective subdivision meetings; and all such acts, matters, and things, so done by any such deputy lieutenant and justice of the peace, shall be as good, valid, and effectual in the law, to all intents and purposes, as if they had been done by two deputy lieutenants of such county, riding, or place; any thing in this act to the contrary hereof notwithstanding.

Regulations
for subdivision
meetings.

XX. And be it further enacted, That the respective clerks of the subdivision meetings shall, as soon as conveniently may be after any such subdivision meeting shall have been appointed, give notice in writing of the time and place of meeting to such of the deputy lieutenants who shall be resident within such subdivision, as he conveniently can, and also to the commanding officer of the regiment or battalion, if on actual service, or (if not on actual service) to the colonel thereof, or (in case of the absence of the colonel from *Great Britain*) to the next commanding

Clerk
not
dividing
meet-
ings to the
deputy lieutenants

manding officer within *Great Britain*, and an account of the several days fixed for receiving lifts, and for balloting, and for inrolling the militia men within such subdivision; and shall, as soon as the militia men are inrolled, likewise transmit to the colonel or commanding officer as aforesaid a list specifying the names, trades, and usual places of abode of all such militia men as are inrolled, and where there are substitutes, the names, trades, and places of abode of the persons in the room of whom they were inrolled as substitutes.

When a sufficient number do not attend, another meeting, to be appointed within 14 days.

XXI. And be it further enacted, That if it shall happen that there shall not appear, at any subdivision meeting, two deputy lieutenants, or one deputy lieutenant and one justice of the peace, the clerk of such meeting shall, by notice to be given in writing to all the deputy lieutenants within such subdivision, or left at their respective places of abode, appoint another meeting to be held, within fourteen days, at the same place where such meeting was to have been holden, such notice being given five days at the least previous to such meeting.

Annual meetings to appoint subdivision meetings, and to require lists of persons liable to serve.

XXII. And be it further enacted, That the lieutenant and deputy lieutenants, or the deputy lieutenants, at every annual meeting to be holden as herein-before directed, shall appoint the first meetings of the deputy lieutenants within the several subdivisions of their respective counties, ridings, and places, which said first meetings shall be appointed to be held as early after the twenty-fourth day of *October* in every year, as conveniently may be; and the said lieutenant and deputy lieutenants, or the said deputy lieutenants, may, if they judge needful, appoint the time and place for a second general meeting, and shall issue out their orders to the chief constables, and where there is no chief constable, to some other officer of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, requiring every such chief constable or other officer as aforesaid, to issue an order under his hand to all constables, tythingmen, headboroughs, or other officers of every parish, tything, or place, within their respective hundreds, rapes, laths, wapentakes, or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the places, and on the days appointed at the first general meeting in every year, fair and true lists in writing of the names of all the men usually and at that time dwelling within their respective parishes, tythings, and places, between the ages of eighteen and forty-five years, distinguishing their respective ranks and occupations, and where the true names of such persons cannot be procured, the common appellation of such persons shall be sufficient, and distinguishing which of the persons so returned labour under any infirmity likely to incapacitate them from serving as militia men, having first affixed a true copy of every such list on the door of the church or chapel belonging to every such parish, tything, or place, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereto adjoining,

Copies of lists to be affixed on the church door, &c.

adjoining, on some *Sunday* morning before they shall make such return, which *Sunday* shall be three days at the least before the said meeting, and also notice in writing, at the bottom of the said copy of every such list, of the day and place of such meeting, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterward received; and on the days, and at the places so respectively appointed as aforesaid, for the returns of the lists, the constables, tythingmen, headboroughs, or other officers respectively, shall attend and verify the said returns upon oath; and the said deputy lieutenants, or any two or more of them, assembled in their respective subdivisions, shall (after hearing any person who shall think himself aggrieved by having his name inserted in any such list, or by the omission of any other name) direct such list to be amended, as the case shall require, and shall also direct the names of all persons by this act respectively excepted from serving in the militia, to be struck out of the said list, and shall appoint the times and places for their second meetings, within their respective subdivisions, and shall return to the clerk of the general meetings, for the use of the said general meetings, certificates under their hands of the number of men in each parish, tything, or place specified in the list so amended, and the same shall be by the clerk for the use of the general meetings.

Constables to verify the lists upon oath.

Subdivision meetings to amend lists, and make returns to the clerk of the general meetings.

XXIII. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the absence of any lieutenant, any five or more deputy lieutenants, may, at any general meeting holden as before directed, alter the appointed subdivisions within such county, riding, or place, if they shall see occasion; and also may alter the established allotment of the number of men in each respective hundred, rape, lath, wapentake, or other division, to serve in the militia, towards raising the number of militia men by this act directed to be raised for such county, riding, or place, according to the numbers contained in such respective certificates last received from the several subdivision meetings.

General meetings may alter the appointed subdivisions, etc.

XXIV. And be it further enacted, That the deputy lieutenants assembled at their said second meeting, within any subdivision as aforesaid, shall appoint what number of men shall serve for each parish, tything, and place within such subdivision, in proportion to the number last appointed, in the manner hereinbefore directed, at a general meeting, to serve for each hundred, rape, lath, wapentake, or other division, and shall appoint another meeting to be holden, within three weeks from the day on which such meeting was holden, within the same subdivision, and shall issue out an order to the chief constables, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, requiring them to give notice to the constable, tythingman, headborough, or other officer of every parish, tything, or place, within their respective hundreds,

Deputy lieutenants to appoint what number of men shall serve for each parish, etc. who are to be ballotted for.

rapes,

rape, laths, wapentakes, or other divisions, of the number of men so appointed to serve for such parish, tything, or place, and of the time and place of the next subdivision meeting; and the said deputy lieutenants, or any two or more of them, assembled in pursuance of such appointment, shall cause the number of men appointed to serve as aforesaid to be chosen by ballot out of the list returned for every parish, tything, or place aforesaid, and shall appoint another meeting to be holden within three weeks in the same subdivision, and shall issue out an order to the chief constables, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, to direct the constable, tythingman, headborough, or other officer of every parish, tything, or place, to give notice to every man so chosen to serve in the militia, to appear at such meeting, which notice shall be given or left at his place of abode, at least seven days before such meeting; and such constable, tythingman, headborough, or other officer, shall attend such meeting, and make a return upon oath of the days when such notice was served; and every person so chosen by ballot shall, upon such notice, appear at such meeting, and there take the following oath; (that is to say),

Persons chosen to take the following

Oath;

A. B. do solemnly promise and swear, That I will be faithful, and bear true allegiance to His Majesty King George; and I do swear, That I am a protestant, and that I will faithfully serve in the militia, within the Kingdom of Great Britain, for the defence of the same, during the time of five years for which I am enrolled, unless I shall be sooner discharged.

and to be rolled for years.

Persons chosen may had substitutes, who are then to be embodied and sworn.

And every such person shall be enrolled (in a roll to be then and there prepared for that purpose) to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years: provided always, That if any person so chosen by ballot shall produce for his substitute a man of the same county or riding, or of some adjoining county or riding, able and fit for service, who shall have not more than one child born in wedlock, and who shall be approved by the said deputy lieutenants, or any two or more of them, such substitute, so produced and approved, shall be enrolled to serve in the militia of such county, riding, or place, as a private militia man, for the space of five years, and also for such further time as the militia shall remain embodied, if, within the space of five years, his Majesty shall order and direct the militia for which such man is enrolled to be drawn out and embodied, as herein-after provided; and such substitute shall take the following oath:

The oath.

I A. B. do solemnly promise and swear, That I will be faithful, and bear true allegiance to his Majesty King George; and I do swear, That I am a protestant, and that I will faithfully serve in the militia, within the Kingdom of Great Britain, for the defence of the same, during the time of five years, or for such further time as the

the militia shall remain embodied, if within the space of five years, his Majesty shall order and direct the militia to be drawn out and embodied, unless I shall be sooner discharged.

And any person so chosen by ballot, for whom such substitute shall have been so produced, approved, inrolled, and sworn as aforesaid, shall be exempt from service in the militia, in the same manner as if he himself had served according to the directions of this act.

XXV. And be it further enacted, That if, through the neglect or mistake of any chief constables, constables, or other officers, or from any other cause, the full number of men appointed for any subdivision should not be duly inrolled at the meeting appointed for that purpose, as before directed, then the deputy lieutenants, at their said meeting, or any two or more of them, may, and they are hereby required, immediately to cause the lists to be amended, and to proceed to a fresh ballot, and to adjourn their meeting, or appoint other meetings, and repeat the amending of the lists, as may be necessary and expedient for carrying the purposes of this act duly and fully into execution; and it shall be lawful for any one deputy lieutenant to administer the oath herein-before required to be taken by persons to serve in the militia, to any person ballotted, or to any person offering as a volunteer under the directions of this act, or to any person who, being qualified as this act requires, shall offer to serve as a substitute; and such deputy lieutenant is hereby authorized to direct and require the clerk of the subdivision for which every such person by whom the said oath has been before him taken is to serve, to insert the name of every such person, together with the date of the day on which the said oath was so administered to him, in the roll of such subdivision.

If the full number are not inrolled, a fresh ballot to be taken.

One deputy may administer the oath, &c.

XXVI. And be it further enacted, That if any person chosen by ballot, according to the directions of this act, to serve in the militia (not being one of the people called Quakers), shall refuse or neglect to appear and take the said oath, and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and sign his consent to serve as his substitute, every such person so refusing or neglecting, shall forfeit and pay the sum of ten pounds; and at the expiration of five years be liable to serve again, or provide a substitute; and in default of payment of such penalty, or for want of sufficient effects whereon to levy the same, the name of such person shall be entered on the roll, and such person shall be delivered over to some proper officer of the regiment, battalion, or independent company, for which he was ballotted, and shall be compelled to serve for such term, to be computed from the time of his being apprehended, as any other person who should be then ballotted for would be compellable to serve, and shall be subject to the same punishments, for afterwards absconding or deserting, as he would have been subject to in case he had appeared,

Persons chosen and not returned to the militia shall forfeit 10l.

If penalty be not paid, the person shall be compelled to serve.

Persons here-
in specified
exempted
from serving,
&c.

peared, and been duly sworn and inrolled as a militia man.

XXVII. Provided always and be it further enacted, That no peer of this realm, nor any person who shall serve as a commissioned officer in any regiment, troop, or company in his Majesty's other forces, or in any one of his Majesty's castles or forts, nor any non-commissioned officer, or private man, serving in any of his Majesty's other forces, nor any commissioned officer serving, or who has served four years in the militia, nor any person being a member of either of the universities, nor any clergyman, nor any licensed teacher of any separate congregation, nor any constable or other peace officer, nor any attitled clerk, apprentice, seaman, or seafaring man, nor any person mustered, trained, and doing duty, or employed in any of his Majesty's docks or dock yards, for the service thereof, or employed and mustered in his Majesty's service in the tower of London, Woolwich warren, the several gun wharfs at Portsmouth, or at the several powder mills, powder magazines, or other storckhouses belonging to his Majesty under the direction of the board of ordnance, nor any person being free of the company of watermen of the river Thames, nor any poor man who has more than one child born in wedlock, shall be liable to serve personally, or provide a substitute to serve, in the militia; and no person having served personally, or by substitute, according to the directions of this act, or any former act or acts, shall be obliged to serve again, until by rotation it shall come to his turn; but no person who has served only as a substitute shall by such service be exempted from serving again, if he shall be chosen by ballot.

Lists for two
places may be
added toge-
ther.

XXVIII. And be it further enacted, That it shall be lawful for the said deputy lieutenants, or any two or more of them, within their respective subdivisions, to add together, whensoever they shall think necessary, the lists for two or more parishes, tythings, or places, and proceed upon such lists added together, in like manner as if they had been originally returned for one parish, tything, or place, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible.

New lists to be
made out
when any are
lost.

XXIX. And be it further enacted, That if the list of any parish, tything, or place, shall be lost or destroyed, it shall be lawful for the said deputy lieutenants, or any two or more of them, to cause a new list in such parish, tything, or place, to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made, and ought to have been returned to them, by direction of the general meeting.

Penalty on
constables
neglecting
their duty,
&c.

XXX. And be it further enacted, That it shall be lawful for the deputy lieutenants within any subdivision, or any two or more of them, from time to time, to issue their order or warrant, under their hands and seals, requiring the attendance of the constable, tythingman, headborough, or other officer of any parish, tything, or place, within such subdivision, at such time
i and

and place as in ſuch order or warrant ſhall be expreſſed; and if any ſuch conſtable, tythingman, headborough, or other officer, ſhall reſuſe or neglect to appear according to ſuch order or warrant, or if any chief conſtable or other officer of any hundred, rape, laſh, wapentake, or other diviſion, or any conſtable, tythingman, headborough, or other officer of any pariſh, riding, or place, ſhall reſuſe or neglect to return any ſuch liſt as before directed, or to comply with ſuch orders and directions as he ſhall from time to time receive from the ſaid deputy lieutenants, or any two or more of them, in purſuance of this act, or ſhall in making ſuch return be guilty of any fraud or wilful partiality or groſs neglect, in his duty, the ſaid deputy lieutenants, or any two or more of them, are hereby impowered and required to commit the perſon ſo offending to the common gaol, there to be kept, without bail or mainprize, for the ſpace of one month, or at their diſcretion to fine ſuch perſon in any ſum not exceeding five pounds nor leſs than forty ſhillings.

XXXI. And be it further enacted, That any perſon who ſhall by gratuity, gift, or reward, or by promiſe thereof, or of any indemnification, or by menaces, or otherwiſe, endeavour to prevail on any chief conſtable, conſtable, tythingman, headborough, or other officer, to make a falſe return of any liſt for any pariſh, tything, or place, or to craſe or leave out of any ſuch liſt the name of any perſon who ought to be returned to ſerve as a militia man, every ſuch perſon ſhall, for every ſuch offence, forfeit and pay the ſum of fifty pounds; and if any perſon ſhall reſuſe to tell his chriſtian and ſurname, or ſhall falſely tell a chriſtian or ſurname, pretending the ſame to be his true chriſtian or ſurname, or ſhall reſuſe to tell the chriſtian or ſurname of any man lodging or reſiding within his or her houſe, or ſhall knowingly tell any falſe name, pretending it to be the true name of any ſuch perſon, to any conſtable, tythingman, or other officer authorized by this act to demand the ſame, every ſuch perſon ſhall forfeit and pay the ſum of ten pounds.

ſol. penalty on perſon endeavouring to procure falſe returns, and ſol. on perſons giving in falſe names, &c.

XXXII. And be it further enacted, That every perſon choſen by ballot to ſerve in the militia ſhall be liable to ſuch ſervice, although he may have removed from the place where his name was inſerted in the liſt, provided he was reſiding in ſuch place at the time when the liſt was, according to the directions of this act prepared; and every perſon liable to ſerve in the militia, having more than one place of reſidence, ſhall ſerve for the county, riding, or place where his name ſhall have been firſt inſerted in ſuch liſt as aforeſaid; and the clerk to the ſub-division meeting to which ſuch liſt ſhall be returned, ſhall, if ſuch perſon requires the ſame, grant a certificate *gratis* under his hand, that ſuch perſon's name was inſerted in ſuch liſt, and ſpecifying the time when ſuch liſt was made and returned.

Perſons muſt ſerve, if removed from the place where choſed to, &c.

XXXIII. And be it further enacted, That where any pariſh ſhall lie in two or more counties or ridings, the inhabitants of ſuch pariſh ſhall ſerve in the militia of that county or riding wherein the church belonging to ſuch pariſh is ſituated, and in the church that is ſituate.

that such parish shall, for all the purposes of this act, be deemed part of that county or riding.

Persons fraudulently bound apprentice, liable to serve, and the master to forfeit 10*l*.

XXXIV. Provided always, and be it further enacted, That if any two or more deputy lieutenants shall at any of their subdivision meetings receive information, or shall suspect, that any person whose name is inserted in any list, and described as an apprentice, has been fraudulently bound apprentice, in order to avoid serving in the militia, it shall be lawful for them to make inquiry thereof, and to summon such persons as they shall think necessary, to appear before them at such time and place as they shall appoint, and to examine such persons upon oath; and in case it shall appear that such binding was fraudulent, in order to avoid serving in the militia, it shall be lawful for such deputy lieutenants to appoint such person, so fraudulently bound apprentice, to serve as a militia man for the parish, tything, or place for which such list shall have been returned, if there shall be a vacancy; and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

Two deputy lieutenants may provide substitutes for quakers, and levy the expence by distress, &c.

XXXV. And be it further enacted, That if any person, being one of the people called *Quakers*, shall be chosen by ballot to serve in the militia, and shall refuse or neglect to appear, and to take the oath and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and subscribe his consent to serve as the substitute of such quaker, then, and in every such case, any two or more deputy lieutenants shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person to serve as a substitute for such quaker, and such substitute shall take the said oath, and subscribe his consent to serve in the militia, for the same term, and on the same conditions, as is herein-before directed in the case of substitutes produced by persons chosen by ballot; and any two or more deputy lieutenants may, and are hereby authorized, by warrant under their hands and seals, to levy, by distress and sale of the goods and chattels of such quaker, such sum of money as shall be necessary to defray the expence of providing and hiring such substitute, rendering to such quaker the overplus (if any), after deducting the charges of such distress and sale; and if no goods or chattels belonging to such quaker can be found sufficient to levy such distress, and it shall nevertheless appear satisfactorily to such deputy lieutenants, that such quaker is of sufficient ability to pay the sum of ten pounds, then it shall be lawful for such deputy lieutenants to commit such quaker to the common gaol, there to remain, without bail or mainprize, for the space of three months, or until he shall have paid such sum of money as such deputy lieutenants shall have agreed to pay to such substitute as aforesaid; and in case any measures shall be used in making distress as aforesaid, which may be by any such quaker thought oppressive, it shall be lawful for such quaker to complain to the deputy lieutenants

lieutenants at their next meeting, who are hereby impowered and required to hear and finally determine the same.

XXXVI. And be it further enacted, That where any rate shall have been made for the providing of volunteers, according to the directions of this act, and the churchwardens or overseers shall make complaint to a justice of the peace, that any quaker refuses to pay the sum or sums of money he or they shall be rated at, such justice shall order such costs and charges to be paid for levying such distresses as he shall think reasonable, not exceeding ten shillings on each of the said quakers, where there are no more than two, and where there are a greater number than two, not exceeding five shillings on each of the said quakers: provided always, That no man shall be deemed, taken, and accepted to be a quaker, within the meaning of this act, unless he shall produce before the deputy lieutenants, at some of their subdivision meetings, a certificate, under the hands of two or more reputable housekeepers, being of the people called *Quakers*, acknowledging such man to be one of their persuasion.

Justices may order payment of the costs of levying by distresses, where quakers refuse to pay rates.

XXXVII. And be it further enacted, That whenever it shall appear to any two or more deputy lieutenants, assembled at any subdivision meeting, that any person chosen by ballot to serve in the militia is unable, by reason of any infirmity, or is not of the full height of five feet four inches, or is otherwise unfit for the service, and is not seised or possessed of an estate in land, goods, or money, of the clear value of one hundred pounds, and who shall make oath that he is not seised or possessed of such estate, such deputy lieutenants shall, and are hereby impowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been ballotted, and to choose another person to be chosen in his stead by ballot, according to the directions of this act.

Persons unfit to serve, when chosen, may be discharged by the deputy lieutenants.

XXXVIII. And be it further enacted, That whenever any militia man, after having been sworn and inrolled, shall become unfit for service, it shall be lawful for the colonel or commanding officer of the regiment, battalion, or independent company, to which such militia man shall belong, together with any two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, if the said regiment, battalion, or independent company, shall then be within the said county, riding, or place, or for the commanding officer only, if the said regiment, battalion, or independent company, shall be absent therefrom, to discharge any militia man of his regiment, battalion, or independent company; but another man shall not be ballotted for, in the room of such militia man so discharged, until such discharge shall be confirmed under the hands of two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, assembled at any meeting in the subdivision for which such militia man was inrolled.

Persons becoming unfit to serve, may be discharged by the commanding officer.

which discharge must be confirmed by two deputy lieutenants.

Vacancies occasioned by death, &c. to be filled up by a fresh ballot.

XXXIX. And be it further enacted, That when any militia man shall, before the expiration of the term for which he was to serve, die, or be appointed a serjeant, corporal, or drummer, in the militia, or be discharged in pursuance of the sentence of a court-martial, the vacancy thus occasioned shall be filled up by a fresh ballot for a militia man to serve according to the provisions of this act, except as is herein before excepted.

At subdivision meetings, men to be ballotted for, in room of those who's terms of service will expire Nov. 20, next ensuing, &c.

XI. And be it further enacted, That any two or more of the deputy lieutenants, at their several subdivision meetings, shall, and they are hereby required to ballot for militia men, in the room of all militia men actually serving, whose terms of service will expire before the twentieth day of *November* then next ensuing the holding of such subdivision meetings, and shall at a following meeting, to be holden as soon as conveniently may be, proceed to enrol the said ballotted men, or their substitutes; and the commanding officer of every regiment, battalion, and independent company, is hereby impowered from time to time to discharge any man of his regiment, battalion, or independent company, whose time of service will expire before the twentieth day of *November* then next ensuing, and to receive any other militia man in his room, who shall have taken the oath, and been inrolled according to the directions of this act; and every such man so discharged, if serving for himself, shall be entitled to the same immunity from further service as if he had served his full term; and if any such man so discharged was serving as a substitute, then the person for whom he served shall be entitled to the like immunity as aforesaid.

Half the price of volunteers to be paid persons chosen by ballot, who are not worth goal.

XLI. And be it further enacted, That in case any person not possessed of an estate in land, goods, or money, of the clear value of five hundred pounds, and who shall make oath that he is not possessed of such estate, shall be chosen by ballot to serve in the militia for any parish, tything, or place, when the said militia is drawn, or ordered out for actual service, and such person shall be sworn and inrolled, or shall provide a fit person to serve as his substitute, who shall be sworn and inrolled, the churchwardens or overseers of the poor of such parish, tything, or place, shall, on receiving an order under the hands of any two or more deputy lieutenants acting within the subdivision wherein such parish, tything, or place is situate, pay to every such person, so chosen by ballot, any such sum of money, not exceeding the sum which such deputy lieutenants shall adjudge to be as near as may be one half of the current price then paid for a volunteer in the county, riding, or place where such person was so chosen, which said sum of money shall be taken out of the poor's rate, to be made as herein-after directed for providing and producing volunteers, or in case no volunteers shall be provided or produced by the churchwardens or overseers, then out of a rate to be made and collected agreeable to the poor's rate, as herein-after also directed; and in case any church-warden or overseer of the poor shall refuse or neglect to pay such money, upon demand, and the producing of such order,

den, every such churchwarden or overseer, so refusing or neglecting to make such payment, shall, for every such offence, forfeit the sum of five pounds, one half of which penalty shall be paid to the person so chosen by ballot, in lieu of the sum ordered to be paid to him as aforesaid: provided always, That if any man so chosen by ballot, and serving for himself, shall, within one month after his inrollment, be disapproved of, and discharged by the officer commanding the regiment, battalion, or independent company, such sum shall not be paid to the person so chosen by ballot, but shall be paid, in manner before-mentioned, to the next person chosen by ballot in his stead; and if any substitute be disapproved and discharged in manner aforesaid, then no such sum shall be paid to the man so chosen by ballot, whose substitute shall have been so disapproved and discharged, unless he shall serve himself, or shall find another substitute, who shall be approved by such commanding officer as aforesaid.

XLII. And be it further enacted, That if the churchwardens or overseers of the poor of any parish, tything, or place, shall, with the consent of the inhabitants, taken at a vestry, or at any other meeting to be holden for that purpose, for the calling of which vestry or meeting three days publick notice shall be given, specifying the cause of calling such vestry or meeting, provide and produce to the said deputy lieutenants, or any two or more of them, at any subdivision meeting for choosing the militia men by ballot, any volunteer or volunteers who shall be approved by such deputy lieutenants, such volunteer or volunteers, so approved, shall be then and there sworn in and inrolled, to serve for such term, and on the same conditions, as is herein-before provided in case of substitutes produced by persons chosen by ballot; and the said deputy lieutenants shall cause only such number of persons to be chosen by ballot out of the list returned for such parish, tything, or place, as shall be then wanted to make up the whole number to serve for such parish, tything, or place; and if any such churchwardens or overseers shall give to such volunteer or volunteers any sum or sums of money, not exceeding six pounds each, to serve in the militia for such parish, tything, or place, it shall be lawful for such churchwardens or overseers to make a rate upon the inhabitants of such parish, tything, or place, according to the rate then made for the relief of the poor, which rate (being approved by any justice of the peace) it shall be lawful for such churchwardens or overseers to collect, and to reimburse themselves such sum or sums of money as they shall have paid to such volunteer or volunteers as aforesaid, and the overplus (if any) shall be applied as part of the poor's rate; and if any person shall refuse to pay such rate, it shall be lawful for any justice of the peace, upon complaint thereof made by any such churchwarden or overseer, by warrant under his hand and seal, to levy the same by distress and sale of the offenders goods and chattels, returning the overplus, (if any), after the said rate,

Volunteers may be raised with the consent of the inhabitants, and a rate established for paying them bounties.

and the charges of ſuch diſtreſs and ſale, ſhall be paid; but no perſon choſen by ballot who ſhall have ſerved in the militia, either by himſelf, or by ſubſtitute, according to the directions of this act, or any other act or acts, or who ſhall be then ſerving himſelf, or by ſubſtitute, ſhall be liable to pay to any ſuch rate: provided always, That if any perſon ſhall think himſelf aggrieved by any ſuch rate as aforeſaid, ſuch perſon may appeal to the next general or quarter ſeſſions, in like manner as is provided in the caſe of appeals againſt rates for the relief of the poor.

Juſtices may determine diſputes between ſervants en-rolled as militia men, and their maſters, reſpecting wages.

XLIII. And be it further enacted, That if any ſervant whatever, hired by the year or otherwiſe, ſhall be inrolled as a militia man, and any diſpute ſhall ariſe between his maſter or miſtreſs, employer or employers, and ſuch ſervant, touching any ſum or ſums of money due to ſuch ſervant for or on account of his ſervice performed before the time of ſuch ſwearing and inrollment, or to ſuch time as, under the conditions of the ſaid ſwearing and inrollment, he ſhall be obliged to quit the ſervice of his ſaid maſter or miſtreſs, employer or employers, by being called out to join the militia in which he ſhall have been ſo ſworn and inrolled, it ſhall and may be lawful, on complaint made thereof, within three months from the time of quitting the ſaid ſervice, to any juſtice of the peace for the county, riding, city, liberty, town corporate, or place where ſuch maſter or miſtreſs, employer or employers, ſhall inhabit, for ſuch juſtice to hear and determine every ſuch complaint, and to examine upon oath every ſuch ſervant, or any other witneſs or witneſſes, touching the ſame, and to make ſuch order for the payment of ſo much wages to ſuch ſervant in proportion to the ſervice he has performed, as to ſuch juſtice ſhall ſeem juſt and reaſonable, provided the ſum in queſtion do not exceed the ſum of twenty pounds; and in caſe of reſuſal or nonpayment of any ſums ſo ordered by the ſpace of twenty-one days next after ſuch determination, ſuch juſtice ſhall and may iſſue forth his and their warrant to levy the ſame, by diſtreſs and ſale of the goods and chattels of ſuch maſter or miſtreſs, employer or employers, rendering the overplus to the owner or owners, after payment of the charges of ſuch diſtreſs and ſale.

Penalty on ſubſtitutes, &c. who do not appear, if they do not return the bounty.

XLIV. And be it further enacted, That any perſon who ſhall receive money from any other perſon to ſerve as his ſubſtitute in the militia, or from any churchwardens or overſeers of the poor, to ſerve as a volunteer as aforeſaid, and ſhall neglect to appear at the uſual meeting appointed for ſwearing the militia men, or before ſome one deputy lieutenant, in order to be ſworn according to the directions of this act, every ſuch perſon ſo neglecting to appear and be ſworn, being convicted thereof before any deputy lieutenant, or juſtice of the peace, ſhall be obliged to return the money to the perſon or perſons from whom he received it, and ſhall alſo forfeit and pay, to ſuch perſon or perſons, any ſum not exceeding twenty ſhillings, at the diſcretion of the deputy lieutenant or juſtice of the peace before whom he

he ſhall be ſo convicted; and if ſuch offender ſhall not immediately return the money ſo by him received as aforeſaid, and likewiſe pay the ſaid penalty, he ſhall be committed to the common goal or houſe of correction for the ſpace of fourteen days, or until the ſaid ſum ſhall be returned.

XLV. And be it further enacted, That if any perſon choſen by ballot to ſerve in the militia ſhall have engaged any other perſon to ſerve as his ſubſtitute, or if any churchwardens or overſeers of the poor ſhall have engaged any perſon to ſerve as a volunteer as aforeſaid, and the perſon ſo choſen by ballot, or ſuch churchwardens or overſeers ſhall have agreed to pay to the perſon ſo engaged, a certain ſum for ſuch ſervice, and ſhall, after ſuch perſon has been diſſolved, reſuſe to pay him the ſull ſum agreed on, it ſhall be lawful for any one juſtice of the peace, on application made to him, and ſuch juſtice is hereby required to order ſuch ſum of money as ſhall appear to him to be due to the perſon ſo engaged, to be immediately paid to him by the perſon or perſons by or for whom he ſhall be engaged to ſerve as aforeſaid; and ſuch juſtice ſhall proceed therein in the ſame manner as is directed by an act of the twentieth year of the reign of his late Maſteſty, *For the better adjuſting and more eaſy recovery of the wages of certain ſervants, and for the better regulating of ſuch ſervants, and of certain apprentices.*

Juſtices may order payment of bounty to ſubſtitutes, etc. according to act 20 Geo. 3. c. 19.

XLVI. And be it further enacted, That whenever any body of militia ſhall be embodied, and abſent from the county, riding, or place to which it belongs, the commanding officer of ſuch body of militia ſhall apply to every man whole time ſhall be within four months of expiring, and who, in his judgement, ſhall be fit to ſerve as a militia man, and enquire if he is willing to continue in the ſervice for ſuch term as any man who ſhould be then balloted to ſerve would be ſubject to, and for what price or ſum he will continue; and ſuch commanding officer ſhall, on the firſt day of the months of *January, March, May, July, September, and November* reſpectively, or as ſoon after as conveniently may be, tranſmit to the clerk of the general meeting of the county, riding, or place, to which his body of militia belongs, a liſt of all ſuch private militia men in ſuch body of militia, as he ſhall find willing to continue in the ſervice, in which liſt ſhall be ſet down the ſums they are reſpectively willing to continue for, and which liſt ſhall be ſigned by every ſuch militia man as aforeſaid, and ſhall be made in the following form; viz.

When a regiment is out of its county, liſts of men willing to continue to ſerve, after the expiration of their term, to be tranſmitted by the commanding officer.

Dated the		day of					
Name of the county.	Names of the men actually serving.	if substitutes, for whom they serve.	Of the parish of	In the hundred of	Time of service expires on the	Sum for which they engage to serve.	Signature of constable.
	A. B.	C. D.	P.	H.			A. B.
	E. F.	L. M.	Q.	I.			E. F.
	G. K.		R.	N.			G. K.

Inlistment of a militia man into the standing army to be void.

Militia men offering to inlist into other regiments to be imprisoned six months, and if actually inlisted, to serve in such regiment when dismissed from the militia.

Persons so inlisting militia men to forfeit 20l.

Soldiers offering to serve as substitutes, forfeit 20l.

And that the signing of the said roll shall be binding upon the persons signing the same, to all intents and purposes whatsoever.

XLVII. And be it further enacted, That in case any officer, serjeant, or other person, shall at any time wilfully and knowingly inlist any man to serve in his Majesty's other forces, who at the time of such inlisting shall be inrolled or engaged to serve in the militia, every such inlisting shall be deemed null and void; and in case any militia man, at the time of offering to inlist as aforesaid, shall deny to the officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, that he is (at the time of his offering to inlist) a militia man then actually inrolled and engaged to serve (which the said officer, serjeant, or other person, is hereby required to ask every man offering to inlist in his Majesty's other forces), or shall offer himself to be inrolled and serve in any other regiment, battalion, or independent company of militia, every militia man so offending shall, on conviction thereof, upon the oath of two witnesses before any one justice of the peace, be committed to the common gaol, or house of correction, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong, as a soldier, to such corps of his Majesty's other forces into which he shall have been so inlisted; and if any officer, serjeant, or other person shall inlist any man belonging to the militia, to serve in his Majesty's other forces, knowing him to belong to the militia, or without asking him if he belongs to the militia, every such officer, serjeant, or other person shall, for every such offence, forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be inrolled as a substitute in the militia, every person so offending shall forfeit and pay, to the person informing of such offence, the sum of ten pounds, or be committed to the common gaol or house of correction, for any time not exceeding three months.

XLVIII. And be it further enacted, That if any person shall give orders to any serjeant, drummer, or other person serving in the militia, to beat up in any city, town, or place, for volunteers to serve in the militia, the person who shall give such orders shall, upon proof thereof, and of such beating up as aforesaid, upon oath, before any justice of the peace, forfeit and pay the sum of twenty pounds; one moiety whereof shall be applied to the use of the person who shall make information thereof before any justice of the peace; and if such serjeant, drummer, or other person shall refuse to declare upon oath, before such justice, from whom he received such orders, it shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to commit such serjeant, drummer, or other person, to the house of correction, for any time not exceeding three months.

Persons ordering serjeants, etc. of the militia to beat up for volunteers, to forfeit 10l.

Serjeants refusing to declare who gave them such orders, to be imprisoned.

XLIX. And be it further enacted, That the clerks of all subdivision meetings shall, within fourteen days after every subdivision meeting, transmit to the clerk of the general meeting of the county, riding, or place, fair and true copies of such rolls as shall be signed at such meeting.

Rolls signed at subdivision meetings to be transmitted to the general meeting.

L. And be it further enacted, That the lieutenant of every county, riding, and place shall, and he is hereby required to transmit to his Majesty's privy council, annually, an account in writing of the true state of the number of persons fit and liable to serve in the militia for such county, riding, or place; and that after the said account shall be so transmitted, his Majesty's privy council shall forthwith fix and settle, as near as may be, the number of militia men who shall for the future serve for each county, riding, or place, by the proportion which the numbers so returned bear to the whole number of militia men by this act directed to be raised, and to transmit accounts of the numbers so fixed and settled, to the lieutenants of the several counties, ridings, and places aforesaid; and where the number of militia men so fixed and settled shall be greater than the number of militia men who shall be, by virtue of this act, appointed to serve for any county, riding, or place, then, and in every such case, the lieutenant for such county, riding, or place, together with any two or more deputy lieutenants, and on the death or removal, or in the absence, or the said lieutenant, any three or more deputy lieutenants shall, at a general meeting to be holden for that purpose, appoint what number of militia men shall serve for each respective hundred, rape, lath, wapentake, or other division within such county, riding, or place; and the additional number of militia men, to make up the whole number so fixed and settled as aforesaid, shall be provided or chosen in the same manner as other militia men are by this act to be provided or chosen, and all the additional men, so provided or chosen as aforesaid, or their substitutes, and also all volunteers, shall take the oath by this act required to be taken, and shall be inrolled, or sign their consent to serve in the militia, in such manner as is directed by this act, and in case of refusal shall be subject to the same penalties as in the like cases

A state of the number of persons liable to serve, to be transmitted annually to the privy council, who are to settle the quota for each place, and transmit the numbers to the county lieutenants.

are inflicted by this act: provided always, That where the number of militia men so fixed and settled as aforesaid shall be less than the number of militia men who shall be appointed to serve for any county, riding, or place, then, and in every such case, the said lieutenant, together with any two or more deputy lieutenants, or (on the death or removal, or in the absence of the said lieutenant) any three or more deputy lieutenants, shall, at a general meeting to be held for that purpose, discharge by ballot, proportionally out of each respective hundred, rape, lath, wapentake, or other division, so many militia men as shall exceed the number so fixed and settled as aforesaid.

Penalties for refusing to serve, &c. to be applied in providing substitutes.

LI. And be it further enacted, That the money arising by penalties incurred for refusing to serve in the militia, or to find substitutes to serve in their room, shall be applied, by any two or more deputy lieutenants, within their respective subdivisions, in providing substitutes for the persons who shall have paid such penalties, which substitutes shall be sworn in and inrolled to serve for the same term, and on the same conditions, as is hereinbefore provided in the case of substitutes provided by persons chosen by ballot; and if any surplus shall remain, the same shall be paid to the colonels or commanding officers of the respective regiments, battalions, or independent companies in which such persons ought to have served as militia men, and be applied as part of the regimental stock.

Surplus to be a part of the regimental stock.

Oaths may be administered by county lieutenants, &c.

LII. And be it further enacted, That in all cases in the execution of this act, when any matter or thing is directed to be enquired of or examined into upon the oath of any witness, before any lieutenant of any county, or any deputy lieutenant or lieutenants, or justice or justices of the peace, any such lieutenant, deputy lieutenant or lieutenants, or justice or justices of the peace, is or are hereby authorised to administer such oath to any witness or witnesses; and that all other oaths to be taken in pursuance of this act shall and may be respectively administered by any lieutenant or deputy lieutenant.

How the militia are to be formed into regiments, and officered.

LIII. And be it further enacted, That in the several counties, ridings, and places, where the number of men is sufficient, the militia shall be formed into regiments, consisting of not more than twelve, nor less than eight companies, of eighty private men to a company at the most, and sixty private men at the least; and the field officers of such regiments shall be as follows; (that is to say), one colonel, one lieutenant-colonel, and one major; and where the number of militia men shall amount to a number under eight, and not less than five companies, such militia shall be formed into a battalion, and the field officers of such battalion shall be one lieutenant colonel, and one major only; and where the number of private men shall amount to any number under five, and not less than three companies, such militia shall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion of militia there shall be one captain, one lieutenant, and one ensign to each company: provided always, That

it shall be lawful for every battalion, consisting of five companies, or upward, to have one company of grenadiers or light infantry, to which two lieutenants shall be appointed, instead of one lieutenant and one ensign; and it shall be lawful for every regiment, consisting of eight companies, or upward, to have one company of grenadiers, and one company of light infantry, to each of which companies two lieutenants shall be appointed, instead of one lieutenant and one ensign.

LIV. And be it further enacted, That in the several counties, ridings, and places, where the number of militia men shall not be sufficient to form a regiment or battalion, according to the intent and meaning of this act, the militia of such counties, ridings, and places, shall be formed into independent companies, each company to consist of eighty private men at the most, and sixty private men at the least, with one captain, one lieutenant, and one ensign to each company; and that his Majesty may, whenever he thinks proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is hereinbefore directed to consist.

How independent companies are to be formed; which may thereafter be formed into battalions.

. LV. And be it further enacted, That it shall be lawful for the lieutenant of any county, riding, or place, to act as colonel or commanding officer of any regiment, battalion, or independent company of militia for such county, riding, or place, for and during such time as there shall not be any colonel or commanding officer appointed to such regiment, battalion, or independent company, but no such lieutenant shall, at any one time, act as colonel or commanding officer to more than one body of militia, whether regiment, battalion, or independent company; and where the lieutenant of any county, riding, or place, shall take the command of any body of militia not being by this act deemed a regiment, he shall be entitled to the rank of colonel, except when the said company shall be formed into battalion as aforesaid, but shall receive no greater pay than the proper commanding officer of such body would be entitled to.

County lieutenants may act and bear rank as colonels, though the bodies of men do not entitle their commanding officers to that rank.

LVI. And be it further enacted, That when any colonel or other commanding officer of any regiment, battalion, or independent company, shall be absent from *Great Britain*, all the powers by this act given to such colonel or other commanding officer shall be veited in and lawfully may be exercised by the next officer in command in such regiment, battalion, or independent company, who shall be residing within *Great Britain*, until such colonel or other commanding officer shall be returned to *Great Britain*, and shall have notified his arrival to the clerk of the peace of the county, riding, or place to which such regiment, battalion, or independent company belongs, and the clerk of the peace is hereby required forthwith, upon receipt of such notification, to transmit an account thereof to the officer

The senior officer in *Great Britain* to be invested with the powers given to colonels.

who

who ſhall have been next in command as aforeſaid; and all acts, matters, and things done by ſuch officer next in command as aforeſaid, in exerciſing the powers given by this act to colonels and other commanding officers, ſhall be good and valid in the law, equally as if they had been done by the colonel or commanding officer himſelf.

The rank of colonel may be given to lieutenant colonels commandant of five years ſervice.

How the militia is to be officered, where the numbers are

for a regiment.

LVII. And be it further enacted, That when a battalion of militia is commanded by a lieutenant colonel, who ſhall have been commandant of the ſame for five years, or longer, it ſhall be lawful for the lieutenant of the county, riding, or place to which ſuch battalion ſhall belong, with the conſent of his Maſteſty, to give to ſuch lieutenant colonel commandant a commiſſion of colonel.

LVIII. And be it further enacted, That in all counties where the number of men are ſufficient to form ſix companies; but not ſufficient to form a regiment, it ſhall be lawful for the lieutenant to appoint three perſons, qualified according to the di-

nant colonel, and major, but with no higher pay than if they were appointed lieutenant colonel, major, and captain; and where the number of men ſhall be ſufficient to form four companies, but not ſufficient to form ſix companies, it ſhall be lawful for the lieutenant to appoint two perſons, qualified as aforeſaid, to ſerve, with the rank of lieutenant colonel and major, but that only one of them ſhall be entitled to any higher pay than that of captain; and in all counties and places where the number of militia men is not ſufficient to form more than two companies, the eldeſt captain ſhall rank as major, but ſhall only be entitled to the pay of captain.

Lieutenants may be appointed captain lieutenants, where there are fix companies in the regiment.

Adjutants to be appointed from the army or embodied mi-

Rank in the army to be preferred by adjutant who may hold a ſubaltern's commiſſion, though not qualified, and may have the brevet rank of captain, &c.

LIX. And be it further enacted, That any perſon duly qualified as a lieutenant may be appointed to the rank of captain lieutenant in any regiment or battalion of militia, conſiſting of not leſs than ſix companies; but that no captain lieutenant ſhall, by the date of his commiſſion or otherwiſe be entitled to rank above, or to command any captain of a company in the militia.

LX. And be it further enacted, That his Maſteſty may and ſhall appoint one proper perſon who ſhall have ſerved, or ſhall at the time of ſuch appointment actually ſerve, in ſome of his Maſteſty's other forces, or in any body of militia that has been drawn out and embodied, to be an adjutant to each regiment, battalion, or independent company of militia, in every county, riding, or place, and ſuch adjutant, if appointed out of his Maſteſty's other forces, ſhall, during his ſervice in the militia, preſerve his rank in the army in the ſame manner as if he had continued in that ſervice; and the lieutenant of any county, riding, or place, may give any ſuch adjutant a commiſſion of a lieutenant or enſign, although ſuch adjutant may not have the qualification required by this act for a lieutenant or enſign; and it ſhall be lawful for the lieutenant of any county, riding, or place, on the recommendation of the commanding officer of any regiment

ment or battalion of militia raised within such county, riding, or place, consisting of not less than six companies, to appoint the adjutant of such regiment or battalion to the rank of captain, by brevet, provided such adjutant has served five years in the rank of lieutenant, whether in the militia or in his Majesty's other forces, although such adjutant may not have the qualification required by this act for captains: provided always, That no such appointment to the rank of captain shall be valid, unless in the instrument granting the same it be specified in what regiment or battalion, and whether of the militia or of his Majesty's other forces, such adjutant hath served in the rank of lieutenant, and what was or were the date or dates of his commission or commissions: provided also, That no adjutant so appointed to the rank of captain shall, by the date of such appointment as aforesaid, or otherwise, be entitled to rank above, or to command, any captain of a company in the militia, nor shall, by virtue of such appointment, be entitled to receive any greater pay than that of a lieutenant, together with his pay as adjutant.

LXI. And be it further enacted, That the colonel, or (where there is no colonel) the commanding officer of every regiment or battalion of militia, consisting of more than two companies, when such regiment or battalion is not in actual service, may appoint a regimental or battalion clerk, who shall execute the office of paymaster; but where the number of men shall not be sufficient to form more than two companies, no clerk shall be allowed, but the receiver-general of the land tax shall pay the money necessary for such number of men to the commanding officer of such company or companies, which commanding officer shall account with the receiver-general for the same.

A paymaster may be appointed to a battalion of more than two companies; but the money necessary for a less number, to be paid to the commanding officer.

LXII. And be it further enacted, That no adjutant, surgeon, regimental or battalion clerk, or quarter master in the militia, shall be capable of being appointed captain of a company; and that no person holding the commission of captain of a company shall be capable of being appointed adjutant, surgeon, regimental or battalion clerk, or quarter master: provided nevertheless, That any battalion clerk may be appointed a captain lieutenant in any regiment or battalion of militia entitled by the provisions of this act to have a captain lieutenant.

No adjutant, &c. to be appointed captain of a company, &c.

LXIII. And be it further enacted, That no officer who is entitled to half pay, shall be deemed or taken to forfeit or quit such half pay during the time he shall serve as lieutenant, ensign, adjutant, battalion clerk, paymaster, quarter master, or surgeon, in any regiment, battalion, or independent company of militia, but that the same shall nevertheless continue; and instead of the oath directed by the act for punishing mutiny and desertion, and for the better payment of the army and their quarters, to be taken by such officer, he shall take the following oath:

Half pay of officers serving as subalterns, &c. not to forfeit their half pay.

I, A. B. do swear, That I had not, between the
any place or employment of profit, civil
or military, under his Majesty, besides my allowance of half pay as a
reduced

Form of oath to be taken by such officers.

reduced of *in* *late regiment*
of *save and except my pay as lieutenant,*
ensign, adjutant, battalion clerk, paymaster, quarter master, or sur-
geon, [as the case may be], for serving in a regiment of militia:

And the taking of the said oath shall, without taking any other oath, be sufficient to entitle such person to receive his half pay.

Proportion of non-commissioned officers and drummers, when the militia is not on actual service, and their pay, &c.

LXIV. And be it further enacted, That serjeants, corporals, and drummers shall be appointed to the militia, in the following proportions (that is to say), When not in actual service there shall be one serjeant and one corporal to every thirty men, and when the militia shall be drawn out into actual service, an addition shall be made, so that there shall be one serjeant and one corporal to every twenty men, and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of six or more companies, and when the militia shall be drawn out into actual service there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer, shall be as follows (that is to say), To every serjeant one shilling, to every corporal eight-pence, and to every drummer sixpence; and such serjeants, corporals, and drummers, shall be new clothed, when not in actual service, once in two years: and all serjeants and corporals shall take the following oath; (that is to say),

Form of the oath to be taken by serjeants, &c.

I, A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King George ^{Third}, and I do swear that I am a protestant, and that I will faithfully serve ^{as a} serjeant, or corporal, [as the case shall be], in the militia of ^{the} kingdom of Great Britain, for the defence of the same, until I shall be legally discharged:

Serjeant majors and drum majors to be appointed.

And the colonel of every regiment or battalion, or (where there is no colonel) the commanding officer of every battalion consisting of four or more companies, may appoint a serjeant major out of the serjeants, and a drum major out of the drummers; and that all serjeants, corporals, and drummers, having received any pay as such from any regiment, battalion, or independent company, shall be deemed to be engaged, and compellable to serve in such regiment, battalion, or independent company, until they shall be legally discharged: provided always, That no person who shall keep any house of publick entertainment, or who shall sell any ale or wine, or any brandy or other spirituous liquors by retail, shall be capable of being appointed or serving as a serjeant, corporal, or drummer, in the militia: provided always, That if it shall happen that in any regiment or battalion there shall be a surplus of fifteen men or upwards, after the apportionment of one serjeant and one corporal to every thirty men, such regiment or battalion shall be entitled to have one additional

No publican, etc. capable of serving as a serjeant, etc.

A surplus of 15 men, above the proportion of 30 to 1 corporal, to entitle

additional company, when not in actual service, for such surplus number of men.

the battalion to an additional corporal.

LXV. And be it further enacted, That any serjeant, corporal, or drummer, may be discharged by the colonel, or (where there is no colonel) by the commanding officer (with the consent of the captain of the company); and that the captain (with the approbation of the commanding officer) may appoint any proper person in the room of every serjeant, corporal, and drummer, who shall die, desert, or be discharged, all which serjeants and corporals, so appointed, shall take the like oath as is hereinbefore required to be taken by serjeants and corporals.

Commanding officers may discharge serjeants, etc. and the captains may appoint successors.

LXVI. And be it further enacted, That in case his Majesty's lieutenant for any county, or the commanding officer of any regiment, battalion, or independent company, shall be desirous of keeping up a greater number of drummers than one *per* company, to be employed as fifers or musicians for the use of the said regiment, battalion, or independent company, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for the commanding officer of any regiment, battalion, or independent company, to retain in their respective corps any number of the drummers who now are employed as fifers or musicians therein, over and above the number of one drummer *per* company established by this act, or at any time hereafter to engage any additional number of drummers to act as fifers or musicians in their respective corps; and all such drummers so retained, or in future engaged to serve in any such corps as fifers or musicians, shall be deemed as drummers of militia within the meaning of this act, to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments, as other drummers of militia are by this act subject, and shall continue to serve as drummers so long as they shall receive the same pay and cloathing as other drummers have, or better cloathing in lieu thereof, and no longer.

Extra drummers may be kept as musicians, but not at the expence of the publick.

LXVII. And be it further enacted, That any person, being a serjeant on the establishment of *Chelsea Hospital*, at the allowance of twelve-pence a day, and being appointed to serve in the militia, shall and may receive the said allowance of twelve-pence a day, together with his pay from the said militia: and any person who shall have faithfully served as a serjeant in the militia for fifteen years, or as a corporal or drummer for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the commanding officer of the regiment, battalion, or independent company, to which he belongs, and the lieutenant, and two or more deputy lieutenants of the county, riding, or place, to which the said regiment, battalion, or independent company belongs, or on the death or removal, or in the absence of the said lieutenant, by the commanding officer, and three or more deputy lieutenants of such county, riding, or place, be entitled to examination at the *Chelsea* board, and be capable to be placed on the pension of five-

Serjeants of *Chelsea Hospital* may receive their allowance therefrom together with their pay. What service entitles serjeants, &c. to a recommendation to the *Chelsea* pension.

pence *per Diem*, if the ſaid board ſhould judge him deſerving thereof: provided that no perſon who ſhall be appointed a ſerjeant in the militia after the paſſing of this act, ſhall be entitled to ſuch recompence, until he ſhall have ſerved in the militia, or in the army and militia, for twenty years.

Militia to be exerciſed for 28 ſucceſſive days annually, and amenable to the mutiny laws.

LXVIII. And be it further enacted, That the militia to be appointed as aforeſaid ſhall be trained and exerciſed by regiment, battalion, or independent company, once in every year for twenty-eight days together, in the manner herein-after directed, at ſuch time and place as ſhall be leaſt inconvenient to the publick, ſuch time and place to be appointed by a general meeting of the lieutenantancy, to be holden as herein-before directed, within every county, riding, and place, or in default of any ſuch meeting being holden, then by the lieutenant of the county, riding, or place, or by three deputy lieutenants, authorized by his Majeſty to act when the lieutenant ſhall be out of Great Britain as aforeſaid; and during ſuch time as the militia ſhall be aſſembled for the purpoſe of being trained and exerciſed, all the claules, provisions, matters, and things contained in any act of parliament, which ſhall be then in force for the puniſhing mutiny and deſertion, and for the better payment of the army and their quarters, ſhall be in force with reſpect to the militia, and all the officers, noncommiſſioned officers, and private men of the ſame, in all caſes whatſoever, but ſo that no puniſhment ſhall extend to loſs of life or limb.

Notice of the time and place of exerciſe, to be affixed on the church doors.

LXIX. And be it further enacted, That notice of the time and place of exerciſe of the militia men of each pariſh, tything, and place, ſhall be ſent, by the clerk of the general meetings, to the chief conſtables or other officers of the ſeveral hundreds, rapes, laiths, wapentakes, or other diviſions, with directions to forward the ſame to the conſtables, tythingmen, headborowhs, or others officers within their reſpective hundreds, rapes, laiths, wapentakes, or other diviſions, which conſtables, tythingmen, headborowhs, or other officers, ſhall cauſe ſuch notice as aforeſaid to be affixed on the doors of the churches or chapels belonging to their reſpective pariſhes, tythings, or places, or (if any place ſhall have no church or chapel belonging thereto) on the door of the church or chapel of ſome pariſh, tything, or place thereunto adjoining; and all ſuch militia men ſhall duly attend at the time and place of exerciſe, according to ſuch notice.

Ten days prior to the annual exerciſe, liſts of the men inrolled, to be ſent to the reſpective commanding officers, etc.

LXX. And be it further enacted, That the clerks of the ſeveral ſubdiviſion meetings, in every county, riding, or place, ſhall, ten days at leaſt before the time ſo appointed for the annual exerciſe, cauſe a full and true liſt, ſpecifying the name and date of the inrolment of all the perſons inrolled (within each ſubdiviſion reſpectively) to ſerve in ſuch regiment, battalion, or independent company, to be tranſmitted to the commanding officer of ſuch regiment, battalion, or independent company, or to ſuch perſon as ſhall be appointed ſuch commanding officer to receive the ſame; and ſhall in like manner cauſe a duplicate

of such list to be transmitted to the adjutant of such regiment, battalion, or independent company.

LXXI. And be it further enacted, That at the first meeting for annual exercise that shall be appointed after the passing of this act, the commanding officer of each regiment, battalion, or independent company, shall, on the first day on which such regiment, battalion, or independent company is directed to assemble as aforesaid, and in the presence of such deputy lieutenants and other officers as shall be then and there assembled, proceed to cause such a number of the persons inrolled to serve in such regiment, battalion, or independent company, to be chosen by ballot out of the list returned for each subdivision, as shall be equal to two thirds of the compleat number that ought to be inrolled on the list of such subdivision. Provided always, That where the number of men that ought to be inrolled for any subdivision, cannot be divided into three equal parts, the two thirds, to be chosen by ballot as aforesaid, shall be computed upon the next highest number that can be divided into three equal parts.

From which list, two thirds of the complete number shall be chosen by ballot, at the first meeting for exercise.

LXXII. And be it enacted, That on the day next after such ballot, the commanding officer shall cause the regiment, battalion, or independent company, to be mustered according to the subdivision for which each person shall have been inrolled to serve, and shall cause the roll of each subdivision respectively to be publicly called; and as the name of each person contained therein shall be read, he shall declare whether such person is, or is not (as the case may be) ballotted out of such roll in the manner herein-before provided.

The day after the ballot, the regiment, etc. to be mustered, etc.

LXXIII. And be it further enacted, That if any vacancy or vacancies shall happen by the death or discharge of any person or persons so ballotted as aforesaid, or by the expiration of the term for which any person or persons so ballotted as aforesaid shall have been inrolled to serve, the commanding officer of each regiment, battalion, or independent company, shall, at the next meeting to be appointed for annual exercise after such vacancy shall have happened, proceed to ballot in the manner herein-before directed, for such further number as shall be wanting to compleat the full proportion of two thirds of the number, of which such regiment, battalion, or independent company, ought to consist.

Vacancies by death, etc. to be filled up by ballot at the first meeting.

LXXIV. And be it further enacted, That all and every such person or persons as the commanding officer of such regiment, battalion, or independent company, shall declare to have been so ballotted out of such roll as aforesaid, shall be trained and exercised for the time, and in the manner herein-before directed, during every year for which such person or persons is or are inrolled to serve; and all and every such person or persons as the commanding officer of such regiment, battalion, or independent company, shall declare to have been not so ballotted as aforesaid, shall be discharged from further attendance during the remainder of the term appointed for the annual exercise.

The men ballotted to be exercised, and the remainder discharged from attendance.

The men so discharged, liable to military law, while they remain where the regiment is assembled;

and to appear on notice, at any subsequent place of exercise.

Persons not chosen by ballot, may serve for such as are.

Authority to magistrates to billet the militia.

Militia men falling sick on the march to be relieved,

LXXV. Provided always, and be it enacted, That all and every such person or persons so discharged as aforesaid, shall, during the time he or they shall remain in the town or place where such regiment, battalion, or independent company is assembled, be subject and liable to the same orders, regulations, penalties, and punishments, as the persons so chosen to be trained and exercised as aforesaid are by this act subject, unless such person or persons shall be usually resident, or have his or their place of abode in such town or place.

LXXVI. Provided also, and be it enacted, That all such persons as shall be so discharged as aforesaid shall, and they are hereby required personally to appear at any subsequent time or place of exercise, of which due notice shall be given as required by this act, and shall, on default of such appearance, be subject to the same penalties and punishments as any other person or persons enrolled to serve in such regiment, battalion, or independent company, is or may by this or any other act be subject to.

LXXVII. And be it further enacted, That if any enrolled person, not chosen by ballot as aforesaid, shall offer himself as a volunteer to be trained and exercised in the room of any person so chosen by ballot, it shall be lawful for the commanding officer of the regiment, battalion, or independent company, to accept such volunteer in the room of such person so ballotted as aforesaid; and such person so accepted, shall be trained and exercised in the same manner, and under the same regulations; and for the same term, as if he had himself been chosen by ballot as aforesaid.

LXXVIII. And be it further enacted, That it shall be lawful for all mayors, bailiffs, constables, tythingmen, headboroughs, and other chief magistrates, and officers of cities, towns, parishes, tythings, and places, and (in their default or absence) for any one justice of the peace inhabiting within or near any such city, town, parish, tything, or place (but for no others), and they or he are or is hereby required to quarter and billet the officers, non-commissioned officers, and private men serving in the militia, at the times when they shall be called out to annual exercise, in inns, livery stables, alehouses, victualling houses, and all houses of persons selling brandy, strong waters, cyder, wine, or metheglin by retail, upon application made to any such mayors, bailiffs, constables, tythingmen, headboroughs, or other chief magistrates, or officers, by his Majesty's lieutenant, or by the colonel or commanding officer of the militia of the county, riding, or place, where they shall be so called out to exercise as aforesaid; and when the militia is not embodied, all mayors and other chief magistrates, and officers aforesaid, or (in their default or absence) any one justice of the peace as aforesaid, may, and they or he are or is hereby required to order and provide convenient lodging, in such houses as aforesaid, for the sergeants, corporals, and drummers of the militia.

LXXIX. And be it further enacted, That in case any militia man shall on his march, or at the place where he shall be called

called out to annual exercise, be disabled, by sickness or otherwise, it shall be lawful for any one justice of the peace of the county, riding, or place, or any mayor or chief magistrate of any city, town, or place where such man shall then be, by warrant under his hand and seal, to order him such relief as such justice, mayor, or chief magistrate, shall think reasonable, and the same shall be given by the officers of the parish, tything, or place where such militia man shall then be; and the officers giving such relief shall, upon producing an account of the expences thereof to the treasurer of the county, riding, or place, for which such militia man shall serve (such account being first allowed under the hand of a justice of the peace) be reimbursed such expences by such treasurer, and he shall be allowed the same in his accounts.

and the expence to be repaid by the county treasurer.

LXXX. And be it further enacted, That when the militia shall be called out to be trained and exercised, any justice of the peace of any county, riding, or place, being thereunto required by an order from the lieutenant, or from any deputy lieutenant, of such county, riding, or place, or from the colonel, or other chief commissioned officer of any regiment, battalion, company, or detachment of militia, being within such county, riding, or place, to issue his warrant to the chief constables of hundreds, rapes, laths, wapentakes, or divisions, or to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, or places, from, through, near, or to which any such regiment, battalion, company, or detachment of militia shall be ordered to march, requiring them to provide such sufficient carriages to convey the arms, clothes, accoutrements, powder, match, bullets, and other stores, with able men to drive such carriages, as shall be mentioned in the said order; and in case such sufficient carriages and men cannot be provided within any such county, riding, hundred, rape, lath, wapentake, division, parish, tything, or place, then any justice of the peace for any adjoining county, riding, or place, shall, upon such order as aforesaid being shewn unto him, issue his warrant to the chief constables, constables, tythingmen, headboroughs, or other such officers of any hundred, rape, lath, wapentake, division, parish, tything, or place within such adjoining county, riding, or place, for the purposes aforesaid, to make up such deficiency of carriages and men; and such lieutenant, deputy lieutenant, or colonel, or other chief commissioned officer, requiring such carriages and men to be provided as aforesaid, shall, at the same time, pay to every such chief constable, constable, tythingman, headborough, or other officer, for the use of the person or persons who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses, and any wain with six oxen, or with four oxen and two horses, shall respectively travel, and the sum of nine-pence for every mile any cart with four horses shall travel, and so in proportion for any carriages drawn by any less number of horses or oxen, for which respective sums every chief constable, constable, tythingman, headborough,

Justices may grant warrants for impressing carriages for the militia on its march.

Rates to be paid for such carriages,

headborough, or other officer receiving the same, is hereby required to give a receipt to the person paying the same; and every such chief constable, constable, tythingman, headborough, or other officer, shall order and appoint such person or persons having carriages within their respective hundreds, tapes, laths, wapentakes, parishes, tythings, or places, as they shall think proper, to provide and furnish such carriages and men according to the warrant aforesaid, and every person so ordered is hereby required to provide and furnish the same accordingly for one day's journey, and no more; and in case any such chief constables, constables, tythingmen, headboroughs, or other officers, shall be at any charges for such carriages, over and above the money which shall be so received by them as aforesaid, such overplus shall be borne by every county, riding, or place where such additional expence shall be incurred, and be repaid to them, without fee or reward, by the treasurer of every such county, riding, or place, out of the publick stock.

if the expence exceed the rates of carriage, the surplus to be paid by the treasurer of the county, &c.

When the militia is called out to annual exercise, state thereof to be sent to the county lieutenant.

LXXXI. And be it further enacted, That the colonel or other commanding officer of every regiment, battalion, and independent company of militia, shall, and is hereby required, as often as the regiment, battalion, or independent company shall be called out to annual exercise as before directed, to return, to the lieutenant of the county, riding, or place to which the same belongs, a true state of such regiment, battalion, or independent company; and in case any such colonel or commanding officer shall refuse or neglect, for six months after the said annual exercise, so to do, he shall, for every such offence, forfeit and pay the sum of one hundred pounds.

Militia men not appearing at, or absenting themselves during the annual exercise, and not taken up till after the exercise, to forfeit act.

LXXXII. And be it further enacted, That every militia man (not labouring under any infirmity incapacitating him) who shall not appear at the time and place appointed for annual exercise, according to the directions of this act (notice having been published as this act requires), shall be deemed a deserter, and if not taken until after the time of such exercise, shall forfeit and pay the sum of twenty pounds, and also every militia man who, having joined the regiment, battalion, or independent company to which he belongs, shall desert or absent himself during the time of annual exercise, and shall not be taken until after the time of such exercise, shall forfeit and pay the sum of twenty pounds; and if such penalty shall not be immediately paid, the justice of the peace before whom any such militia man shall be convicted of any such offence shall commit such militia man to the common gaol, there to remain, without bail or mainprize, for the space of six months, or until he shall have paid the said penalty.

Another man to be ballotted for, if a deserter does not return in three months.

LXXXIII. And be it further enacted, That in case any militia man shall desert or absent himself from his duty, and shall not return, or be taken within the space of three months from the time of his so deserting or absconding himself, then upon certificate thereof from the commanding officer of the regiment, battalion, or independent company, to the deputy lieutenants at any

any of their meetings for the fubdivifion for which fuch militia man was inrolled, fuch deputy lieutenants, or any two or more of them, are hereby required to hold a fubdivifion meeting, and to proceed to ballot for another perfon to ferve and be returned to fuch regiment, battalion, or independent company, in the room of every fuch militia man; and in cafe fuch militia man fhall at any time return or be taken, he fhall, notwithstanding any perfon fhall have been chofen in his room, be compelled to ferve in the fame manner, and for the fame term, as if no perfon had been fo chofen in his room.

Deserters liable to ferve their term, whenever taken up.

LXXXIV. And be it further enacted, That if any perfon, being sworn and inrolled to ferve as a fubftitute in the militia, fhall afterward defert or abfent himfelf from the regiment, battalion, or independent company to which he belongs, every fuch perfon fhall be liable to, and fhall ferve as a militia man, in fuch regiment, battalion, or independent company, for and during the full term for which he fhall have been inrolled, to be computed from the day on which he fhall be apprehended, and fhall alfo be fubject to fuch other penalty or punifhment as fhall be inflicted upon him for fuch offence by virtue of this act; and the commanding officer of fuch regiment, battalion, or independent company, fhall caufe notice to be given to the clerk of the fubdivifion for which fuch perfon was inrolled, of the day on which he was apprehended, and fuch clerk fhall make an entry in the roll of the militia men of the name of fuch perfon, and alfo of the time of his being fo apprehended.

Subftitutes, deferting, liable to ferve their full term, whenever taken up.

Notice of apprehending deferters to be fent to the clerk of the fubdivifion.

LXXXV. And be it further enacted, That all mufkets delivered for the fervice of the militia fhall be marked diftinctly, in fome vifible place, with the letter (M), and the name of the county, riding, or place, to which they belong; and in cafe any militia man fhall fell, pawn, or lofe any of his arms, clothes, or accoutrements, or neglect or refufe to return the fame in good order to his captain, or to the perfon appointed to receive the fame, every fuch militia man fhall, for every fuch offence, forfeit and pay a fum not exceeding three pounds; and if fuch militia man fhall not immediately pay fuch penalty, the juftice of the peace before whom he fhall be convicted fhall commit him to the houfe of correction for any time not exceeding three months, or until he fhall have paid the faid penalty.

Mufkets to be marked.

Penalty on felling arms, &c.

LXXXVI. And be it further enacted, That if any perfon fhall knowingly and willingly buy, take in exchange, conceal, or otherwife receive any arms, clothes, or accoutrements, belonging to any militia man, upon any account or pretence whatsoever, contrary to the true intent and meaning of this act, the perfon fo offending fhall forfeit and pay, for every fuch offence, the fum of five pounds; and if fuch offender fhall not immediately pay fuch penalty, and fhall not have fufficient goods and chattels whereon to levy fuch penalty, the juftice before whom he fhall be convicted fhall commit him to the common gaol, there to remain, without bail or mainprize, for the fpace of three

Penalty on buying arms, &c.

months, or shall caufe fuch offender to be publickly whipped, at the difcretion of fuch juftice.

Men may be put under stoppages to buy them neceffaries, &c.

LXXXVII. And be it further enacted, That when any regiment, battalion, or independent company of militia, fhall be afsembled for the purpofe of being trained and exercifed, it fhall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding five pence *per* day, for the purpofe of providing them with linen, and alfo with ftockings and other neceffaries, and for defraying the expence of repairing any arms which fhall have been broken or damaged by any fuch militia man's neglect: provided always, That every fuch captain or commanding officer fhall account with each militia man for fuch stoppage, and after having deducted what fhall have been laid out and paid for neceffaries, and for repairing the arms as aforefaid, fhall pay the fum remaining (if any there fhall be) into the hands of the militia man to whom the fame belongs, before fuch militia man fhall be difmiffed from fuch training and exercife.

Adjutants, &c. may be tried by a court-martial for offences committed when the militia is not embodied.

LXXXVIII. And be it further enacted, That every adjutant, ferjeant major, ferjeant, corporal, drum major, and drummer of the militia, fhall be at all times fubject to any act which fhall be in force for punifhing mutiny and defection, and for the better payment of the army and their quarters, and to the articles of war, under the command of the colonel, or (where there is no colonel) the commanding officer of the regiment, battalion, or independent company to which he belongs; and it fhall be lawful for the colonel, or (where there is no colonel) the commanding officer of any regiment or battalion of militia, to direct the holding of courts-martial whenever fuch regiment or battalion fhall be embodied for the purpofe of annual exercife, for the trial of any ferjeant major, ferjeant, corporal, drum major, or drummer of fuch regiment or battalion, for any offence committed during the time fuch regiment or battalion was not embodied, but fo that no punifhment fhall extend to the lofs of life or limb.

Serjeants and corporals may be reduced to ferve as privates.

LXXXIX. And be it further enacted, That any ferjeant or corporal of the militia may, by fentence of a court-martial, be reduced to the condition of a private foldier of the militia, to ferve as fuch during any time not exceeding fifteen months; after which time, if not regularly re-appointed to the rank of a non-commissioned officer, he fhall be difcharged from the fervice.

Arms, when not wanted, to be kept in a place to be appointed by the commanding officer.

XC. And be it further enacted, That the arms belonging to every regiment, battalion, and independent company, when not embodied, fhall be kept in fuch convenient place as the colonel, or (where there is no colonel) as the commanding officer fhall direct, with the approbation of the lieutenant of the county, riding, or place.

XCI. And be it further enacted, That one third part at the leaft

least in number of the *serjeants, corporals, and drummers*, in every regiment, battalion, and independent company, shall constantly be resident within the city, town, or place where the arms belonging to such regiment, battalion, or independent company, are kept, and shall be under the command of the adjutant, who shall act in such command under the orders of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company; and that the adjutant, and in the absence of the adjutant the *serjeant major*, shall make a monthly return of the true state of the *serjeants, corporals, and drummers* of the regiment, battalion, or company, severally, to the lieutenant of the county, and the commanding officer of the said regiment, battalion, or company, in default of which, on each such neglect, such adjutant or *serjeant major* shall be subject to such punishment as a court-martial shall adjudge; and that no *serjeant, corporal, or drummer*, shall be absent from such city, town, or place, without a regular furlough from his colonel, or (where there is no colonel) from the commanding officer; and every *serjeant, corporal, and drummer*, who shall absent himself without such furlough, shall be liable to be apprehended as a deserter; and such adjutant shall never absent himself from such city, town, or place, without leave of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company: provided nevertheless, That whenever such adjutant shall be absent, with such leave as aforesaid, then such *serjeants, corporals, and drummers*, shall be under the command of the *serjeant major*, or of some *serjeant*, who shall be appointed by the said adjutant, with the approbation of the said colonel, or (where there is no colonel) the commanding officer, to act as *serjeant major* during the absence of such adjutant.

XCII. And be it further enacted, That if any militia man shall not join the regiment or battalion to which he belongs at the time of annual exercise, or shall desert during the time of annual exercise, and shall not be apprehended before the expiration of the time appointed for such exercise, and if the commanding officer or the adjutant of such regiment or battalion, or the commanding officer of the company of such regiment or battalion, to which such offender belongs, shall receive information of the place where he shall be or reside, any such commanding officer or adjutant may, by writing under his hand, describe the person of such offender, and also certify that he did not join the regiment or battalion at the time of annual exercise, or that he deserted during the time of annual exercise (as the case may be), and send the same, by a *serjeant, corporal, or drummer* of such regiment or battalion, to the adjutant or *serjeant major* of the regiment or battalion of the county, riding, or place, wherein such offender is supposed to be or reside; and the adjutant or *serjeant major* to whom such certificate shall be sent, shall direct a party of the *serjeants, corporals, or drummers* of the regiment or battalion to which he belongs, to assist in apprehending such

One third part of the *serjeants, etc.* to reside where the arms are kept.

Monthly returns of the *serjeants, etc.* to be sent to the county lieutenant.

Serjeants, etc. absenting themselves without furloughs to be deemed deserters.

Adjutant not to be absent without leave.

Serjeant major to act as adjutant in his absence.

Method of proceeding when information is received of the residence of a militia man, not joining at the annual exercise, etc.

offender, and in conveying him before ſome juſtice of the peace of the county, riding, or place wherein ſuch offender ſhall be apprehended; and if, by his confeſſion, or the teſtimony of any witneſs or witneſſes upon oath, or the knowledge of ſuch juſtices it ſhall appear or be found that ſuch perſon is guilty of ſuch offence, ſuch adjutant or ſerjeant major ſhall order a party of the ſerjeants, corporals, or drummers under his command, to convey ſuch offender to the head quarters of the regiment or battalion of militia of the next county, riding, or place, in the way to the county, riding, or place to which ſuch offender belongs, and deliver him into the cuſtody of the adjutant or ſerjeant major of ſuch regiment or battalion, who ſhall cauſe him to be conveyed in like manner to the adjutant or ſerjeant major of the regiment or battalion of the next county, riding, or place, and ſo in like manner, until ſuch offender ſhall be delivered into the cuſtody of the adjutant or ſerjeant major of the regiment or battalion to which he belongs, who ſhall take him before a juſtice of the peace, to be dealt with as this act directs in caſes of militia men deſerting, or abſenting themſelves from their duty; and from the time of his being ſo apprehended as aforeſaid, until he is brought before ſuch juſtice of the peace as aforeſaid, ſuch offender ſhall be ſubſiſted at the rate of ſixpence *per day*, from the ſlocks of the county, riding, or place to which ſuch regiment, battalion, or company belong, for which ſubſiſtence ſuch juſtice is hereby required to make an order upon the treaſurer of the county, riding, or place: and if any ſerjeant, corporal, or drummer, ſhall deſert from the regiment or battalion to which he belongs, it ſhall be lawful for any headborough, conſtable, or other officer, of the town or place where any perſon who may be reaſonably ſuſpected to be ſuch deſerter ſhall be found, to cauſe ſuch perſon to be apprehended, and taken before any juſtice of the peace living in or near ſuch town or place, who is hereby impowered to examine ſuch ſuſpected perſon; and if, by his confeſſion, or the teſtimony of any witneſs or witneſſes upon oath, or by the knowledge of ſuch juſtice, it ſhall appear or be found that ſuch ſuſpected perſon is ſuch deſerter, ſuch juſtice ſhall forthwith cauſe him to be conveyed to the common gaol of the county or place where he ſhall be found, or the houſe of correction, or other publick priſon, in the town or place in or near to which ſuch deſerter ſhall be apprehended, there to remain until he ſhall be demanded by ſome perſon or perſons authoriſed to receive him as herein-after directed, and ſhall transmit an account thereof to the clerk of the general meetings of the county, riding, or place, to which ſuch deſerter belongs; and the keeper of ſuch gaol, houſe of correction, or priſon, ſhall receive the full ſubſiſtence of ſuch deſerter, for his maintenance, during the time he ſhall continue in his cuſtody, but ſhall not be intitled to any fee or reward on account of his imprisonment; and ſuch clerk of the general meetings receiving ſuch account ſhall immediately transmit a copy thereof to the colonel or commanding officer of the regiment or battalion of

Method of
proceeding
when ſer-
jeants, &c.
deſert.

his county or riding, and alſo to the adjutant, or other officer commanding the ſerjeants, corporals, and drummers, of ſuch regiment or battalion, and where there are more than one regiment or battalion, ſuch clerk ſhall ſend ſuch copy to all the colonels or other commanding officers of regiments and battalions, and alſo to all the adjutants, or officers commanding ſerjeants, corporals, and drummers, within his county or riding; and the colonel, or commanding officer of the regiment or battalion to which ſuch deſerter ſhall be found to belong, or the adjutant, or officer commanding the ſerjeants, corporals, and drummers of ſuch regiment or battalion, ſhall, and he is hereby required, immediately on receiving ſuch copy as aforeſaid, to ſend any ſerjeant, corporal, or drummer, or any party of the ſerjeants, corporals, or drummers of his regiment or battalion, to the place where ſuch deſerter ſhall be ſo confined, and ſhall alſo ſend, by ſuch ſerjeant, corporal, or drummer, or the ſerjeant commanding ſuch party of ſerjeants, corporals, or drummers, an order, under his hand and ſeal, to the keeper of the ſaid gaol, houſe of correction, or priſon, requiring him to deliver ſuch deſerter to the perſon or perſons therein named, which he is hereby required to do; and the ſerjeant, corporal, or drummer, to whom ſuch deſerter ſhall be ſo ordered to be delivered, in caſe one only ſhall be ſent on ſuch duty, ſhall apply to the adjutant or ſerjeant major of the regiment or battalion of the county, riding, or place, where ſuch deſerter ſhall be ſo confined as aforeſaid, and ſuch adjutant or ſerjeant major ſhall order a ſufficient party of the ſerjeants, corporals, or drummers, under his command, to aſſiſt in conveying ſuch deſerter, and he ſhall be conveyed to the adjutant or ſerjeant major of the regiment or battalion to which he belongs, in the ſame manner as before directed with reſpect to the conveying of private militia men to the adjutant or ſerjeant major of the regiment or battalion to which they belong; and ſuch adjutant or ſerjeant major ſhall take ſuch deſerter before a juſtice of the peace of the county, riding, or place to which he belongs, who ſhall forthwith cauſe him to be conveyed to the common gaol, houſe of correction, or other publick priſon of ſuch county, riding, or place, where he ſhall remain, without bail or mainprize, until the regiment or battalion to which he belongs ſhall be embodied for annual exerciſe or for actual ſervice, (which ſhall not happen); and the colonel or commanding officer of ſuch regiment or battalion ſhall then iſſue an order, under his hand and ſeal, to the keeper of the gaol, houſe of correction, or priſon, where ſuch deſerter ſhall be confined, requiring him to deliver ſuch deſerter to the perſon or perſons therein named, which he is hereby required to do; and ſuch colonel or commanding officer is hereby impowered and required to ſummon and hold a court-martial for the trial of ſuch deſerter, in ſuch manner, and with the ſame power and authority, as ſhall be given and directed by any act of parliament which ſhall be then in force for puniſhing mutiny and deſertion, and for the better payment of the army and their quarters; and if upon any ſuch

Deſerters may be tried by a court martial, etc.

such trial such deserter shall be found guilty, it shall be lawful to punish such deserter in such manner as such court martial shall, in their discretion, think fit, according to the powers and provisions of such act, and of the articles of war, but so that no such punishment shall extend to the loss of life or limb; and all gaolers and keepers of prisons shall (if required so to do by any serjeant, corporal, or drummer, employed in conveying any such militia man, or serjeant, corporal, or drummer, so offending, to the regiment or battalion to which he belongs as aforesaid) receive into their custody, and confine such offender for such time as they shall be respectively so required as aforesaid, not exceeding twenty four hours; and every such gaoler or keeper of any prison, who shall refuse so to do, shall forfeit the sum of twenty shillings; and all such serjeants, corporals, and drummers, while they are employed in executing such duty as aforesaid, shall be billeted in like manner as serjeants, corporals, or drummers belonging to his Majesty's other forces, employed in apprehending and conveying deserters, are to be billeted.

Gaolers refusing to receive deserters, to forfeit 20s. Serjeants employed in apprehending etc. deserters, to be billeted. Persons apprehending deserters to be paid 20s.

XCIII. And be it further enacted, That the justice of the peace, before whom any deserter shall be convicted, shall and may issue his warrant to the clerk of the regiment or battalion to which such deserter shall belong, or (where there is no clerk) to the commanding officer, requiring such clerk, or such commanding officer, to pay, out of the stock of such regiment or battalion, the sum of twenty shillings to the person who shall have apprehended such deserter; and such clerk or commanding officer is hereby authorized and required to pay the same accordingly upon demand.

Persons receiving deserters, to forfeit 5l.

XCIV. And be it further enacted, That if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of five pounds.

His Majesty may order the militia to be embodied in cases of invasion, etc. and commanded by general officers, &c.

XCV. And be it further enacted, That in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to parliament, if the parliament shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting or in being) to order and direct the lieutenants of the said several counties, ridings, and places, or on the death or removal, or in the absence from their respective counties, ridings, or places, of any of them, then any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments, battalions, and independent companies of militia within their respective counties, ridings, and places, herein-before appointed to be raised and trained, or so many of them as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of this kingdom,

loom, for the repelling and prevention of any such invasion, and for the suppression of any rebellion or insurrection within this realm of *Great Britain*; and the officers, non-commissioned officers, drummers, and private men of the several regiments, battalions, and independent companies of the militia, shall from the time of their being drawn out and embodied as aforesaid, and until they shall be returned again, by his Majesty's orders, to their respective parishes or places of abode, remain under the command of such general officers, and during such time as aforesaid all the provisions contained in any act of parliament which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be in force with respect to the militia, and shall extend to all the officers, non-commissioned officers, drummers, and private men of the militia, in all cases whatsoever.

While embodied to be subject to the articles of war, etc.

XCVI. Provided always, and be it further enacted, That neither the whole, or any part of the militia directed by this act to be raised and maintained, shall on any account be carried, or ordered to go out of *Great Britain*.

Not to be ordered out of *Great Britain*.

XCVII. And be it further enacted, That whenever his Majesty shall cause the militia to be drawn out and embodied as aforesaid, if the parliament shall then be separated by such adjournment or prorogation as will not expire within fourteen days, his Majesty may and shall issue a proclamation for the meeting of the parliament within fourteen days, and the parliament shall accordingly meet and sit upon such day as shall be appointed by such proclamation, and continue to sit and act, in like manner, to all intents and purposes, as if it had stood adjourned or prorogued to the same day.

When the militia is called out, his Majesty may issue a proclamation, for the meeting of parliament in 14 days.

XCVIII. And be it further enacted, That the lieutenant of every county, riding, and place, or (on the death or removal of any such lieutenant, or in his absence from his county, riding, or place) any three or more deputy lieutenants, to whom any such order as aforesaid from his Majesty shall be directed, shall issue his or their order to the chief constables, or other officers, of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, with directions to forward the same immediately to the constables, tythingmen, headboroughs, or other officers, of the several parishes, tythings, and places, within their respective hundreds, rapes, laths, wapentakes, and divisions, and such constables, tythingmen, headboroughs, or other officers, are hereby required, upon receipt thereof, forthwith to cause notice in writing to be given to the several militia men, or left at their usual places of abode, within their respective parishes, tythings, or places, to attend at the time and place mentioned in such order; and if any militia man so ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man shall be liable to be apprehended, and punished as a deserter, ac-

When the militia is ordered to be called out, the county lieutenant, etc. to issue orders accordingly.

cording

According to the provisions of any act which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters; and if any person shall harbour or conceal any militia man when ordered out into actual service, knowing him to be a militia man, every such person shall, for every such offence, forfeit and pay the sum of five pounds.

Militia officers not to sit on the trial of officers of the other forces.

XCIX. And be it further enacted, That no officer serving in the militia shall sit in any court martial, upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces sit in any court martial, upon the trial of any officer or private man serving in the militia.

An agent may be appointed by the colonel, from whom he is to take security.

C. And be it further enacted, That when any regiment, battalion, or independent company of militia shall be drawn out into actual service, and during the time they shall continue in actual service, the colonel, or (where there is no colonel) the commanding officer thereof, shall and may appoint an agent to such regiment, battalion, or independent company, and shall take security from such agent; and such colonel, or (where there is no colonel) the commanding officer, shall be and is hereby made subject and liable to make good all deficiencies that may happen, from the said agent or from himself, upon account of the pay, clothing, or publick stock of such regiment, battalion, or independent company.

When the militia is ordered out, the receiver general of the land tax to pay one guinea for the use of each man.

CI. And be it further enacted, That when the militia of any county, riding, or place shall be ordered out into actual service, the receiver general of the land tax for such county, riding, or place shall and is hereby required forthwith to pay, to the captain or other commanding officer of every company of militia so ordered out, the sum of one guinea, for the use of every private militia man belonging to his company; and the said receiver general shall also pay to every captain or other commanding officer of a company as aforesaid the sum of one guinea for every recruit as early as may be after such recruit shall have joined his company, while out in actual service as aforesaid (all which money so paid by the said receiver general, shall be allowed him in his account), and the money so received by any captain or other commanding officer (or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and such captain or commanding officer shall, before any militia man of his company receives his discharge, account to such militia man how the said sum of one guinea hath been applied and disposed of, and shall pay the remainder of the money (if any) to the said militia man.

Captains to account with the men for the same.

Bounties to be paid when the terms of service are prolonged.

CII. Provided always, and be it further enacted, That in case the term of service of any person so enlisted and enrolled for any regiment of militia shall be prolonged, as aforesaid, beyond the term of five years, then and in such case the receiver general of the land tax for the county, riding, or place, to which such militia man shall belong, shall, and he is hereby required forthwith to pay to the captain, or other commanding officer of each

